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Industries

Application for loan from Sri Lakshmi Mills under the State Aid to Industries Act.

* 402 Q.—Dr. B. S. MALLAYYA: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that Messrs. Ganapathi Nayak and Lakshmana Nayak of the Sri Lakshmi Mills, Kasaragod, have applied for a loan under the State Aid to Industries Act;

(b) what the amount of the loan applied for is;

(c) when the application reached the Government;

(d) whether the loan was granted; and

(e) if so, when?

A.—(a) Yes.

(b) Rs. 40,000.

(c) On 10th August 1929.

(d) & (e) Not yet.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the member.]

II

BUSINESS FOR THE NEXT MEETING OF THE COUNCIL.

* The hon. the PRESIDENT:—"I have to announce that, with regard to the question sent by Mr. Obi Reddi, the hon. the Leader of the House will make a statement after the lunch interval. Mr. Obi Reddi wants to know from the hon. the Leader of the House what business the Government wants to transact at the next meeting and what the probable period of the sitting will be." 11-15 a.m.

III

THE MADRAS SERVICES COMMISSION BILL.

Clause 12—cont.

The hon. the PRESIDENT:—"The Council will now resume discussion on clause 12 of the Madras Services Commission Bill."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Mr. President, I shall be very short, Sir. I was just saying that the hon. the Advocate-General, according to me, appeared once in his life to be supporting the arguments that we were adducing though not the conclusions. Our suggestion is that this clause is absolutely unnecessary. He said that this Commission should function, according to the Delegation Rules, subject to instructions generally given by the local Government, and that is exactly what we find as the indication of all the clauses passed by this House so long. Not only the Government is not bound to refer any particular question to the Commission, but also when a matter is reported upon by them, the Government is not bound to follow the whole or any portion of the advice so given. And what is more, it is very clear that clauses 9, 10 and 11 referred to in this clause 12 deal with the powers of the Commission only in any matters after they have been decided upon by the Government. It is only after the Government decides as to what appointments should be filled up by competition that the Commission begins to function in that matter; again, only after the Government fixes the number to be filled by selection, the Commission begins to function as a selecting body. I do not know why the Government after restricting

the powers of the Commission, after curtailing the independence of the Commissioners to the fullest extent, still want power to lay down rules. And what are the rules? There is absolutely nothing in this clause to show what the rules are for. The rule may be for laying down that such and such meetings should be held, that they should discuss in such and such manner and resolve upon such and such a matter; it may be that they will lay down that the Commission should meet at such and such time. Whatever that may be, the Commission shall have to follow the instructions given by the Secretariat as to the capacity and qualifications of the various candidates and so on. Having curbed the powers of the Commission so very much, the Government wants to reserve further power in an indefinite way to curb the activities of the Commission still further by this clause. If so, the Commission may as well disappear except of course as an ornamental body. We therefore object to the retention of this clause in the Bill. The Government, for instance, may make rules under clause 19, taking power to make rules after consulting the Council. If at least these rules are placed before the House before they are passed by the Government, that will be something. But to give blank powers to Government to make all and any rule they want and to make the Commission function subject to those rules seems to me to be rather unreasonable. I would therefore commend to the Government the deletion of this clause."

The hon. the PRESIDENT :—"The question is that clause 12 shall stand part of the Bill."

The motion was put and carried, and the clause was added to the Bill.

Clauses 13, 14 and 15 were then successively put, passed and added to the Bill.

Clause 16.

* Mr. J. A. SALDANHA :—"Mr. President, I move the following amendment :—

'*In line* 1, *for the word* "*may*" *substitute the word* "*shall*".'

"Clause 16 reads, 'The Local Government may consult the Commission as to the orders to be passed on any memorial submitted to them by any person to whom the provisions of this Chapter apply'. I only want to substitute the word 'shall' for the word 'may'. The word 'may' has sometimes the meaning of 'shall', but there is a good deal of ambiguity about that word. The Government evidently mean or ought to mean in any case to consult the Commission on memorials submitted to them. In view of the amendments that we brought previously on this Bill and in accordance with the principle for which we have been fighting in this House, this amendment also is sought to be made. I need not reiterate the arguments advanced again and again, on this occasion also. I hope the House will accept the amendment."

Mr. A. KALESWARA RAO :—"In seconding this amendment, I wish to say that the memorials submitted to the Government by Government servants now take the place of second appeals, which were in existence till recently. When the Government is bound to consider memorials as a matter of appeal, why should it not be obligatory on the part of the Government to consult the Commission when the subject-matter of the memorials is within the jurisdiction of the Commission? So, in the case of these memorials, it is but

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right that the Government *shall* consult the Commission, and then the other procedure shall be followed. So, the amendment to substitute the word 'shall' for the word 'may' is necessary."

The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, the only difficulty in making the change suggested is that under the rules there are various classes of memorials, some of which perhaps might not be considered by the Government as fit to be referred to the Commission, and it might involve unnecessary reference to the Commission. Further more, memorials may be submitted by public servants on all sorts of subjects, and this word 'may' will enable Government to refer only such memorials as relate to matters for which the Commission is constituted. I submit, therefore, it is better to have that word and leave it to the Government in what cases memorials should be referred to the Commission."

The amendment was put and negatived.

Clause 16 was then put, passed and added to the Bill.

Clauses 17 and 18 were then successively put, passed and added to the Bill.

New Clause 18-A.

* Mr. J. A. SALDANHA :—" I beg to move that the following clause be added as clause 18-A :—

'18-*A*. *If any candidate for a service or post, with the recruitment to which the Commission is concerned brings to bear or attempts to bring to bear directly or indirectly by himself or by any other person on his behalf any undue influence on the Commission or on the Chairman or other member thereof he shall be deemed to be disqualified for that service or post.*

Explanation.—Undue influence in this section includes—

(*i*) *any attempt by a candidate to obtain an interview with the Chairman or other member except when summoned to appear before the Commission by the Secretary or an official of the Commission authorized in that behalf;*

(*ii*) *any attempt by any person to obtain an interview with the Chairman or other member to support directly or indirectly the candidature of the candidate;*

(*iii*) *any attempt to influence the Commission or the Chairman or other member thereof by means of any certificate, letters or other documents not called for in the published notice inviting applications; and*

(*iv*) *in general, the infliction or threat of infliction of any temporal or spiritual injury, damage, harm or loss or the conferring or offering to confer any material or spiritual benefit or the employment of or the attempt to employ any other means for the purpose of inducing the Commission or the Chairman or other member thereof to exercise the functions vested in it or him under this Act otherwise than according to its or his own judgment of the merits of the case.*'

" Sir, this clause was in the original Bill. But in the Select Committee it was decided to delete it by a small majority. I would strongly urge that this

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clause in the original Bill should be retained. It is the fundamental basis on which the Public Services Commission has been constituted that it should be altogether outside party influence or any other kind of influence.

11-30 a.m. "Sir, I am afraid sometimes influences of gentlemen may be brought to bear on the members of the Commission in favour of particular candidates. So there should be such a restriction as is proposed by this amendment. The Public Services Commission in practice has such a rule, and I want to know why there should not be such a provision in this Bill, by way of a rule which will be binding on the public. I want to know whether the hon. the Revenue Member can put his finger on any clause in this Bill which empowers the Public Services Commission to make rules which will be binding on the public. I think it is quite reasonable that the legislature should make such rules. I therefore commend this amendment to the acceptance of the House."

Mr. G. Harisarvottama Rao :—" I second it."

* The hon. Mr. A. Y. G. Campbell :—" Mr. President, Sir, as the mover has already pointed out, this clause was originally included in the Bill introduced by Government, but after careful consideration in the Select Committee, it was deleted. The reasons for the deletion are given in the report of the Select Committee. They believe that this provision of law might give rise to undesirable complications. Somebody might challenge an appointment on the ground that someone did something which may be in contravention of this particular provision. Therefore, it is better to leave this matter which relates to the procedure of the Commission to be regulated by rules and conventions. That is what is done now by the Public Services Commission working under the Government of India. They have included a suitable provision in their notifications inviting applications and that is what is being done by the Staff Selection Board also. If anybody brings undue influence to bear on the Commission or Staff Selection Board he is regarded as disqualified."

The amendment was put and negatived.

Clause 19.

* The hon. Mr. A. Y. G. Campbell :—" I beg to move that after clause 18, a new clause be added as follows :—

'*The salaries referred to in sections* 5 *and* 6 *and the expenditure incurred under section* 7 *shall be defrayed from the provincial revenues of the local Government.*'

" I move the addition of this clause in accordance with the undertaking given by me with reference to your ruling in connexion with the discussion on clauses 6 and 7, in order to make it clear that the expenses mentioned are debitable to provincial revenues."

The hon. Diwan Bahadur M. Krishnan Nayar :—" I second it."

Mr. S. Satyamurti :—" Sir, I object to this under Standing Order 46 (1), on the ground that it has not been given notice of ten days before the sitting of the Council."

The hon. the President :—" I suspend the Standing Order."

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Mr. S. SATYAMURTI :—"I rise to a point of order. May I know if the sanction of the Governor has been received in your office for moving this amendment?"

The hon. the PRESIDENT :—"The Secretary says it has been received."

* Mr. S. SATYAMURTI :—"If you are satisfied, I am. Then, I rise to another point of order with regard to this amendment, and I take objection to it under the Devolution Rules 43 and 44. Rule 43 says:

'No proposal involving an abandonment of revenue for which credit has been taken in the budget, or involving expenditure for which no provision has been made in the budget, shall be submitted for the consideration of the local Government or the Legislative Council nor shall any orders giving effect to such proposals issue, without a previous reference to the Finance Department.'

"Then rule 44 says:—

'Every report made by the Finance Department on any matter on which it is required to advise or report under these rules shall be forwarded to the department concerned and shall, if the Finance Department so require, be submitted by the department concerned to the Governor for the orders of the local Government. The Governor may, if he thinks fit, direct that any such report shall be laid before the committee on public accounts.'

"My submission is that this is a proposal involving expenditure for which no provision has been made in the budget; and a proposal of that sort cannot be submitted to the consideration of the Legislative Council without a previous reference to the Finance Department contemplated in Devolution Rule 43, and the resultant steps which the Finance Department may suggest, under Rule 44. You will notice, Sir, that this is a definite proposal, that the salaries shall be defrayed from the provincial revenues. Therefore it is intended to affect the budget of this province for this year by imposing a charge on its revenues, and thereby involving an expenditure for which no provision has been made in the budget."

* The hon. the PRESIDENT :—"I think the hon. Member will agree with me that the proposals that are to be submitted to the Legislative Council referred to in Devolution Rule 43 mean budget proposals, either the original budget proposals or supplementary demands, and they only refer to the voted portion of the expenditure."

*Mr. S. SATYAMURTI :—"Normally it would mean that. But this is the first time in my humble experience in this Council that the legislature is asked to vote by means of a clause in the Bill. Once the House agrees to this clause, it becomes non-voted, and I am being asked as a Member of this House to agree to a charge on the revenues of this province even for this year. With regard to the imposing of the charge I have a right to insist on the previous scrutiny of the Finance Department and the other steps provided for in order to secure the financial propriety of these proposals and the financial soundness thereof."

* The hon. the PRESIDENT :—"The Legislative Council is referred to with reference to its function for sanctioning grants, whereas section 80-C of the Government of India Act refers to legislation creating a charge on the public revenues."

* Mr. S. SATYAMURTI :—"I quite agree. My unfortunate difficulty is this. This is the first time I am asked to vote by means of a clause in the Bill—I am speaking subject to correction—for appropriation of revenues. This is the first time the House is asked to impose a charge on the provincial revenues by means of a clause in the Bill. That of course has been made necessary by your ruling, but that does not alter the position so far as these

orders require. In substance, Mr. President, assuming that these rules refer only to the Council functioning in respect of budget grants, now the House is really asked to vote on demands."

* The hon. the PRESIDENT :—" Yes, on account of its being included as a legislative measure."

11-45 a.m. Mr. S. SATYAMURTI :—" I therefore suggest that when the House is asked to commit itself to an expenditure for the rest of the year which is not involved or included in the budget, there should be previous sanction provided for it. At any rate, I should like to add that in these rules there is no question of their being confined to the House only when it is voting on budget demands. You will notice that these rules are made under section 45-A of the Government of India Act. That section provides for provision being made by the rules under the Act for various purposes, one of which is for constituting a Finance Department in the province and regulating the functions of that department. In regard to this particular financial proposal I think the House ought to have by right all the statutory advice and guidance. I therefore submit, Sir, that the motion is out of order."

The hon. Sir THOMAS MOIR :—" Mr. President, I should like to point out to the hon. Member for the University that he is mistaken when he states that this is the first occasion on which financial provision has been entered in a Bill. I can refer him to two Acts passed by this hon. House."

* The hon. the PRESIDENT :—" The Andhra University Act, the Annamalai University Act and the Madras University Act."

The hon. Sir THOMAS MOIR :—" And in addition, Sir, there was the decision on the Bill for providing for the salary of the President of this House. I submit that in connexion with these rules the Finance Department has no function to discharge. These are cases where the House deliberately decides that a certain expenditure should be non-voted. Further, the non-voted expenditure is not placed before this House for its approval. In my opinion there is nothing at all in the argument of the hon. Member for the University."

* Mr. S. SATYAMURTI :—" May I say, Sir, one word? Neither in the Andhra University Act, nor in the Annamalai University Act, is there any provision that this grant should be made from the provincial revenues.

" Sir, I stand unconvinced in spite of the utterance of the hon. the Finance Member. Sir, the peculiar feature of this Bill is that there is a provision which says that the expenditure of this Commission shall be met from provincial revenues. I may be wrong, but I think I am right in saying that in no other Act do we find a provision similar to the one sought to be made in this Bill."

* The hon. the PRESIDENT :—" Perhaps, it is stated in the other Acts that the expenditure shall be met by the Local Government."

* Mr. S. SATYAMURTI :—" The object may be the same. But in a statute we are not concerned so much with the objects as the actual wording. I am talking on a point of order that we are doing something which is not accurate."

* The. hon. the PRESIDENT :—" I shall refer to those Acts."

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* Mr. S. SATYAMURTI :—" So far as I remember, the words used in those Acts are : ' the Local Government shall pay '. According to your ruling they may pay from their own pockets or from the Government of India. Sir, in an earlier clause of the Bill you will find a provision to the effect that it shall be lawful to the Commission to spend that. . . On seeing this you said that unless there is a clause which says that the expenses of the Commission shall be met from the provincial revenues, we could not speak of provincial revenues."

* The hon. the PRESIDENT :—" What took place the other day was this: The Advocate-General said that in clause 4 there was provision to the effect that the Governor in Council shall appoint the Commissioners and that they shall be paid such salary, etc. Therefore, by implication the Local Government was bound to pay and demand payment from the provincial revenues. I then drew his attention to clauses 6 and 7 where it is stated that the Commission shall appoint the Secretary and that he shall be paid, etc. My interpretation was that it cannot be said the local Government is bound to pay the expenditure to be incurred in sections 6 and 7. The discussion ended there."

* Mr. S. SATYAMURTI :—" You will notice that this amendment includes clauses 5, 6 and 7. Section 5 does not say that the Governor in Council shall appoint. It simply says that there shall be paid to the Chairman a salary of Rs. 3,000 per mensem."

* The hon. the PRESIDENT :—" And the previous clause stated that the Commissioners shall be paid by the Governor in Council."

* Mr. S. SATYAMURTI :—" That is an earlier clause."

* The hon. the PRESIDENT :—" Both read together mean the same thing."

* Mr. S. SATYAMURTI :—" That is a contention which you did not accept."

* The hon. the PRESIDENT :—" I accepted that portion of the contention."

* Mr. S. SATYAMURTI :—" May I know, if so, why section 5 is added here in this amendment ? "

* The hon the PRESIDENT :—" That is going into the merits of the wording of the amendment."

* Mr. S. SATYAMURTI :—" No. Taking the clause as it stands, Mr. President, my point is that in the Madras University Act, the Annamalai University Act and the Andhra University Act, the words used are that the local Government shall pay. If that is so, the local Government may pay just as the Commission may have paid. There the idea was that the local Government shall pay a block grant and submit those proposals to the vote of the House year after year in the sense in which they will be entered in the budget differently as either non-voted or voted.

" Moreover, I want to bring to your notice one point. As regards these non-voted and voted items, there is a misapprehension on the other side. It is not as if the Government of India Act contemplated the impossibility of non-voted items being submitted to the vote of the House. It merely contemplates that it is not obligatory on the part of the Government to submit non-voted items of expenditure to the vote of the House. It is open to the

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Government, out of a sense of responsibility to submit even those items to the vote of the House. Therefore there is no point in straining the language in regard to an item as being either voted or non-voted.

"Sir, the words used here are 'the local Government'. In none of these Bills has it ever been stated that it shall be defrayed from the provincial revenues of the local Government. This seems to impose in terms a charge on the revenues of the province which is not provided for in the budget and therefore it is a fresh expenditure. I submit that under Devolution Rules 43 and 44, in the absence of the sanction of the Finance Department, it is out of order."

Mr. ALLADI KRISHNASWAMI AYYAR :—"It is with some surprise that I heard the comment that there cannot be a legislative measure charging either the provincial revenues or prescribing amounts being expended out of provincial revenues.

"Now, the view I take—I do not mean to question the ruling of the Chair—is that even now with the clauses as they stand the expenses of the Commission are payable out of provincial revenues. But anyhow, in view of the ruling of the Chair and the direction that has been given to the House, the Government have brought forward this amendment. Section 72-D itself says that an amount may be prescribed the expenditure of which is not within the purview of the budget. So, there may be a legislative measure prescribing a particular amount of expenditure, and this is the very basis of section 72-D. Therefore, to say that outside the budget you cannot expend moneys except by bringing forward proposals before the House is one thing and to say that the legislature of the country cannot pass a measure saying that such and such an amount shall be expended by the local Government is another matter.

"Again, 82-C itself . . ."

* The hon. the PRESIDENT :—"I am not able to follow the argument of the hon. the Advocate-General. He says 'where the amount is fixed by the legislature.' It is only part of the section which says that the provincial revenues shall be paid and so on. This amount need not be voted. It only means that the expenditure is to be met from provincial revenues. Suppose an Act is passed saying that so much shall be paid, it means that it shall be paid from the revenues of the province."

* Mr. ALLADI KRISHNASWAMI AYYAR :—"In any way, you come to the conclusion that it is payable out of provincial revenues."

* The hon. the PRESIDENT :—"The Advocate-General prefaced his argument by saying that apart from the ruling given by the Chair he still held the view that the provision as it stands made the expenses a charge on the provincial revenues. I want to satisfy myself whether there is any provision in the Bill to that effect."

* Mr. ALLADI KRISHNASWAMI AYYAR :—"The provision need not in terms say that it shall be a charge on provincial revenues."

* The hon. the PRESIDENT :—"The hon. the Advocate-General was saying that though he respected my ruling he held the view that the Bill as it stands contained provisions whereby the expenditure under sections 6 and 7 could be made a charge on provincial revenues."

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* Mr. ALLADI KRISHNASWAMI AYYAR :—" Yes, that is so and I am willing to explain my position. The Secretary of State by rule authorizes the local legislature to establish a Public Services Commission. The incidents or the consequences flowing from the establishment of the Public Services Commission are detailed in that section. Delegation rule 5 says: I hereby authorize the local legislature to establish a Public Services Commission."

* The hon. the PRESIDENT :—" For that the legislature may say that every applicant for a post shall pay a fee of Rs. 5 and the money thus collected shall constitute a fund out of which the Commissioners shall meet its expenses."

* Mr. ALLADI KRISHNASWAMI AYYAR :—" I have not finished my argument. I am coming to that point. It is in the exercise of the power and duty cast upon the local legislature that the Public Services Commission is established. Therefore it is the Government that establishes the Public Services Commission."

* The hon. the PRESIDENT :—" No. It is the legislature."

* Mr. ALLADI KRISHNASWAMI AYYAR :—" The expression Government is a slip for the local legislature. Yes, but it does so only in the exercise of the power cast upon it. After appointing the Commission, it lays down several duties to be performed by the Commission and then it says that the Commission or the members of that body shall be appointed by the local Government. Then it goes on to provide that they shall be paid a certain salary. Under these circumstances, by necessary intentment, so far as the first portion is concerned, it necessarily means that the local Government undertakes to pay salary for these people. When the power of appointment is exercised by the local Government, it necessarily follows by implication that the local Government must pay to them out of the revenues at their disposal. That is the next step. Then it goes on to say that such and such an amount shall be their salary, that is to say, that they shall be given such and such amount for their services. Then a further duty is laid down by it. They must incur such and such expenditure in the exercise of their duties and it lays down the rule that a sum of about Rs. 1,000 or so shall be expended. In the context, I submit that if you find that a public body like that is created, their salary is provided for ; it is also stated that the establishment shall be paid up to a maximum of Rs. 1,000. By necessary intentment it follows that this expenditure shall be incurred out of the revenues at the disposal of the local Government."

* The hon. the PRESIDENT :—" Is there any authority for that assertion ? "

* Mr. ALLADI KRISHNASWAMI AYYAR :—" There is considerable authority for the proposition that if for example a power or duty is cast by statute upon anybody all incidents and consequential powers and duties necessarily flow from the power expressly mentioned by the legislature. But what exactly is the necessary intentment in a particular case is a question of construction in the particular Bill and in the particular context. I am taking the view that having regard to the context and the sequence of the clauses, it necessarily follows that the local Government shall pay out of the revenues at its disposal. It may be that another view is possible—the view which was put forward by the President to the effect that there is no express provision. Therefore there is difference between that point of view and the point of view which I am trying to present before the House, so far as that point is

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concerned. Now, we are on the other point which was raised by the hon. Member for the University, viz., whether by law, (*a*) we can prescribe at all any particular expenditure ; (*b*) if we can prescribe any particular expenditure to be incurred by the local Government, whether we can make it a charge on public revenues. These are the two points. On
*12 noon. both the points the answer can only be that the Legislature has the power under the terms of section 80-A and 80-C. So far as the budget proposals are concerned, it expressly contemplates a legislation prescribing a particular expenditure outside the budget provision. If I may say so from the point of view put by the hon. the President and that put by myself there is no difference so far as budget proposals are concerned. In fact the budget section is framed on the footing that there might be a local enactment prescribing a particular course of expenditure. To say that by legislation you cannot prescribe a particular course of expenditure is a negation of the very section of the Act, section 72-D. It says that where the expenditure is prescribed by law it need not be voted upon by the House. Therefore there might be a legislative enactment prescribing a particular course of expenditure.

"Secondly the answer is furnished by section 80-C. 80-C is the section which requires sanction in the case of measures affecting the public revenues of the province. There might be measures making a particular charge on the revenues of the province. The Devolution Rules do not form a rider or a proviso to the particular section. You cannot put a further restriction under section 80-C to the effect that no legislation shall be passed not merely without the sanction of the Governor but also without conforming to the financial rules, as was pointed out by the hon. the Finance Member in reference to the budget proposals and the expenditure incurred or the estimate made outside the budget. That is my answer.

"So far as the point made by the hon. the Member for the University is concerned, there is nothing in section 80-C or in 72-D to detract from the plenary powers of the Legislature to pass any law affecting the peace and good Government of the province. It may affect the public revenues or it may not affect the public revenues. But if it affects the public revenues you must get the sanction of the Governor. That is the restriction and that is the only restriction. There is no further restriction on the powers of the Legislature. It is very strange that people who are fighting for plenary powers of the Legislature should say that the Legislature is hide-bound by financial rules and the various restrictions in regard to budget."

Mr. G. HARISARVOTTAMA RAO :—"The hon. the Advocate-General said that the expenditure from provincial revenues could be incurred and he relied upon clause 5."

The hon. the PRESIDENT :—"We may leave it. That was only intended for my satisfaction. I am not to give any ruling on that special question."

* Mr. J. A. SALDANHA :—"On the two points raised by the hon. the Advocate-General I may say that in effect the local legislature has power to make some appointment and empower the Government to make some appointments, but that does not necessarily involve that the expenditure in connexion with those appointments should be met by the local Government themselves. For instance there are appointments like that of the Vice-Chancellor of the University which is made by the local Government but the expenditure is incurred out of the University funds."

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*The hon. the PRESIDENT :—"We need not argue that point. The question is whether this amendment requires the sanction of the Finance Department."

*Mr. J. A. SALDANHA :—"I say, Sir, yes. We have been somehow or other seized of this proposal to incur for this Government some expenditure this year and Government want to enforce this Act at once. That means that Government will have to spend money which has not been budgeted for. As the amendment brought forward is an amendment which involves the violation of the express provision made for expenditure outside the budget, is it not necessary that Government should go through the ordinary procedure imposed by rule 43 of the rules made by the Government ?"

*The hon. the PRESIDENT :—"The only question to be decided is this: whether this amendment requires the sanction of the Finance Department under Devolution Rule No. 43. According to my interpretation Devolution Rule No. 43 deals only with the functions of the Legislative Council in granting demands for grants, whether budget grants or supplementary grants. It is not at all intended to cover a proposal for legislation such as is contemplated in section 80-C. Section 80-C clearly lays down that no member of the Council can introduce, without the sanction of the Governor, any measure affecting the public revenues of a province. In this case such a sanction has been accorded and I therefore hold that the motion is in order.

"Mr. Govindaraja Mudaliyar has given notice of an amendment to this effect :—'Shall be votable by the Legislative Council'. The express purpose of the original motion is that the amount of expenditure shall not be votable and the amendment says that it shall be votable. The hon. Member may once for all oppose the motion."

Mr. S. SATYAMURTI :—"With regard to the question 'votable' or 'non-votable' the section of the Government of India Act which governs this matter is section 72-D (2) which reads thus :—'The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year'. Sub-clause (3) of this section says :—'Nothing in the foregoing sub-section shall require proposals to be submitted to the Council relating to the following heads of expenditure.' It does not say there is any prohibition against any expenditure for which the amount has been prescribed being submitted to the vote of the House. It is not a prohibitory legislation. It is only an enabling legislation which enables the Government under certain circumstances to exempt from the operation of this House . . ."

*The hon. the PRESIDENT :—"I think the hon. Member will agree that the option is for the Government to bring it to the Council or not."

*Mr. S. SATYAMURTI :—"Exactly so. Therefore as it is open to the Government either to bring it or not to bring it, I think the House may presume in favour of the Government bringing it before the Council anticipating that the Council may agree to it. They should never try to exempt it from the vote of the House. It is not as if the Government is prevented from bringing it to a vote of this House. After all, Sir, you are interested in seeing whether a thing is in order or not. You are not interested in seeing whether it is reasonable or not. You are interested only in seeing that it is in order and whether it is consistent or inconsistent with the provisions of the Government of India Act. My submission is that it is wholly consistent with he Government of India Act. It simply says, 'nothing in the foregoing

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sub-section shall require proposals to be submitted to the Council relating to the following heads'. But I submit there may be something else which may require a vote of the House. It is not as if we are fettering the discretion of the Government in this sense, namely, that we are appealing to them to do a duty which they are not permitted to do under the Government of India Act."

* The hon. the PRESIDENT :—" Supposing the Council passes a resolution that such and such items shall be brought before the Council . . ."

Mr. C. V. VENKATARAMANA AYYANGAR :—" That is a recommendation which the Government may or may not accept.

" There are several items which the section contemplates not to come before the House. But there are other items which the Act contemplates coming before the legislature."

* The hon. the PRESIDENT :—" Then it is better to discuss them."

* Mr. SAMI VENKATACHALAM CHETTI :—" May I request you to further elucidate your views? You seemed to have said that the scope of the amendment is to make the expenditure non-votable. I thought that you suggested that there was no provision for the payment to either the Commission or their staff in the Act itself. It was only to remove the possible doubt that the Commission need not be paid from the provincial revenues that this amendment was introduced to enable the Government to pay. That does not remove the further objection whether it is votable or non-votable. You will also remember that you quoted the analogy of the Town Planning Act and other Acts wherein it is provided that the expenditure should be met from provincial revenues. I take it that the expenditure incurred in connexion with the Town planning Officer and his establishment is votable."

The hon. the PRESIDENT :—" Regarding the Town Planning Director, it is provided that he shall be paid from the Provincial revenues. With regard to his staff there is no provision."

Mr. SAMI VENKATACHALAM CHETTI :—" This amendment refers both to the staff and the Commission."

* The hon. the PRESIDENT :—" If the clause is passed, the Local Government need not bring the expenditure to the vote of this House. That would be the effect of passing the clause. The amendment proposed by Mr. Govindaraja Mudaliyar in fact has the effect of a negative vote. The intention of new clause 19 is that the expenditure shall be non-votable. It is that which the amendment of Mr. Govindaraja Mudaliyar seeks to defeat. Therefore it is a negative amendment. Instead of recording the vote of the House twice the best thing for the House to do would be to throw off the motion of the hon. the Revenue Member, if the House agrees upon that course. I think the amendment of Mr. Govindaraja Mudaliyar need not be discussed separately."

Mr. SAMI VENKATACHALAM CHETTI :—" Supposing the amendment of the hon. the Revenue Member is not passed, then this amendment becomes superfluous."

* The hon. the PRESIDENT :—" That is the reason why I say that it is inconsistent."

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Mr. G. HARISARVOTTAMA RAO :—" If the clause stands by itself then the interpretation that the expenditure is non-votable would be correct. But if this House chooses to give a direction as to whether the expenditure should be votable or non-votable, this House has the right to do it."

* The hon. the PRESIDENT :—" I do not think there is anything contrary. I am not convinced that the amendment can be allowed. I disallow the amendment.

" There are the amendments of Messrs. C. V. Venkataramana Ayyangar and Harisarvottama Rao. The combined effect of the amendments of Messrs. Venkataramana Ayyangar and Ranganatha Mudaliyar is the same as that of Mr. Harisarvottama Rao; the amendment given notice of by Mr. Harisarvottama Rao is as follows :—' An annual report of the work of the Commission and expenditure incurred by it shall be brought by the Government to the Legislative Council for its consideration '." 12-15 p.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—" Mr. Harisarvottama Rao has given notice of a separate clause to be added. If the hon. the Revenue Member moves the amendment he has given notice of, we may not move our amendments."

* The hon. the PRESIDENT :—" If they are discussed separately, I have to propose the same question. If the amendment of Mr. Harisarvottama Rao is disposed of, I cannot give an opportunity to Mr. Venkataramana Ayyangar to move his new clause 20. The principle involved in both the amendments is the same."

Mr. P. C. VENKATAPATI RAJU :—" We have come to an agreement that, if the hon. the Revenue Member moves his amendment, we would not move our amendments."

* The hon. the PRESIDENT :—" I want to have a statement from the Members of the Opposition whether they want to move the amendments they have given notice of."

Mr. P. C. VENKATAPATI RAJU :—" Provided the hon. the Revenue Member moves his amendment. . ."

* The hon. the PRESIDENT :—" So far as I am concerned, there is no proviso or condition. We cannot anticipate what will happen later."

Mr. G. HARISARVOTTAMA RAO :—" I take it that the amendment of the hon. the Revenue Member is before the House. . ."

* The hon. the PRESIDENT :—" The hon. Member, I think, is not attentive. The question before the House is ' The salaries referred to in sections 5 and 6 and the expenditure incurred in section 7 shall be defrayed from the Provincial revenues of the Local Government.' Mr. Harisarvottama Rao has given notice of an amendment which I have referred to already. I wish to know at this stage whether he proposes to move it or not."

Mr. G. HARISARVOTTAMA RAO :—" I do not move my amendment, Sir."

* Mr. S. SATYAMURTI :—" Sir, I am not going to take advice from my hon. Friend, the Advocate-General, as to how to conduct the opposition and how to deal with this amendment. You were pleased, from your exalted place, to give a ruling which is binding on this House in all stages not only for the day but for the rest of the term unless you see it fit to change that ruling or unless we make a submission to you to change that ruling. He does

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not accept that ruling; formally he says so and his opinion as a lawyer and legal adviser is that this amendment is unnecessary. I think the House has a right to know from the Government whether they accept. . ."

* The hon. the PRESIDENT :—"I think there is another amendment given notice of by Mr. Saldhana, 'and such expenditure incurred in section 7 shall be votable.' I rule it out of order. I may advise the hon. Member to move for the omission of the words 'and the expenditure incurred in section 7' from the motion of the hon. the Revenue Member."

* Mr. S. SATYAMURTI :—"If I may go on, I should like to know what the position of the Government is. Do they accept your rulings in matters of legislation and do they bring forward motions to make those laws conform to your rulings which you are not bound to give unless a point of order is raised and unless it comes before you for decision? The Government ought to have some means of consulting expert legal advice; taking that advice they should act upon it. Instead of that, this Government comes to this House and their expert adviser says—I respect him for that independence of opinion—that this clause is unnecessary and yet the hon. the Revenue Member moves this clause as part of the Bill. I want to know whether it is a case of abundant caution; that is the usual lawyers' refuge when they think that any questions of doubt may arise. This is a case of achieving directly what you said was their object, viz., to make the expenditure non-votable. The desire to conform to your ruling is a matter about which they are not anxious. They want to catch that opportunity to make this expenditure non-votable, the whole expenditure including clause 7, under the provision of this clause. They want to see that the salary of the Commissioners, expenses under clause 6 with regard to the secretary, and under clause 7 as regards the staff and contingent expenditure are met from the Provincial revenues and should be non-votable.

"Now apart from the legal difficulty in which the House is placed—we do not know what the Government think on this matter—my other difficulty is this. No doubt in other countries where responsible Government prevails, the Chancellor of the Exchequer and the Public Audit and Accounts departments have got a conscience and they examine financial proposals very carefully; but in this country where the Finance department is a limb of the bureaucracy, its conscience is elastic enough when proposals come from the bureaucracy; when I raised a point which ought to appeal to any Finance Member, my hon. Friend tells me that similar provision exists in the Annamalai University and Andhra University Bills. Similar provisions do not exist there; the only provision they contain is 'the Local Government shall pay'. The provision here is 'shall be defrayed from the provincial revenues of the Local Government'. That seems to be undoubtedly a new proposal involving expenditure which the Finance Department should have scrutinized.

"My hon. Friend, the Advocate General, not content with giving us his disquisition of law, said he was surprised at a Member of the Opposition discussing the question before the House when we were fighting for powers. But we thought he had known under what difficulties we were labouring in this House. We have got to carry out our duties as much as we can and see that public business is conducted according to statute, according to law, according to canons of justice and fair play and to call to our aid all the rules and statutes which are in existence. If we ask that this provision should

be deleted, it is because we do not want the legislature truncated from to-morrow once this clause is passed. That moment it enters a realm into which no public body is allowed to enter, Mr. President, not the High Court, not the Executive Government, and not the Hindu Religious Endowments Board. For the first time in the history of Madras, the Public Services Commissioners are having a new heaven where no earthly mortal will breath his contemptible criticisms on the doings of this august body. We can discuss about the hon. the Revenue Member's clerks; we can discuss about his stenographer; but we dare not discuss about these Commissioners and their staff or their defaults. What is the justification for this, Mr. President? When the Executive Council, when the High Court and when such august bodies and even His Excellency the Governor—as I was pointing out the other day—are willing to have the salaries of their servants, their travelling allowances, and their dietary charges to be discussed on the floor of the House, what is the reason why these Public Services Commissioners, who are after all, Mr. President, creatures of the Local Government in letter and in spirit should be sought to be kept in this political *nirvana*? It is incomprehensible to me.

"Then, Sir, what are the three kinds of charges which we are asked to vote for by this clause? The salaries of all the Members of the Commission, the salary of Rs. 1,500 for the Secretary and Rs. 1,000 for the Commission's establishment. The result will be that they will be outside the scope of the discussion of the House. I understand, Mr. President, that there is an amendment on the order paper standing in the name of the hon. the Revenue Member seeking to give an opportunity to this House to discuss the work of the Commission year after year. Therefore, the Government in principle concede that this House has got the right and must have suitable opportunities to discuss the work of this Commission. If therefore the Government concede that right to this House, I should like to know whether they should not concede the more authoritative and the automatic right of discussing it at budget time. The Government must have noted the sharp vote on the deletion of clause 7 of this Bill. I think it was 37 to 40. The Government managed to escape by the very skin of their teeth . . ."

The hon. Sir Thomas Moir:—"Survival of the fittest."

Mr. S. Satyamurti:—"That law has long ceased to operate in Madras; the fittest do not survive; it is only the least fit that survives, and that is why this Government survive. My point was the Government ought to have respected the very sharp division in the House on that clause. The House including Members who do not belong to our party were anxious that there should be some control over this Commission, because they felt that there should be annual automatic review of the work of this Commission; and yet the Government's respect for the wishes of this House is so great that they come round and say that they would not accept even this modest demand that the provision for expenditure under clause 7 of the Bill should come under automatic review. In spite of the attempted castigation of my hon. Friend, the Finance Member, I still venture to say that this is the first time I hear of any legislative proposal which seeks to charge the provincial revenues in express terms. I think, Sir, that this House ought to keep these two functions separately, legislation and appropriation of revenues.

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" One more word, and I have done. Speaking for myself I respectfully take the view of the hon. the Advocate-General, that this clause is wholly unnecessary. I think that the context makes it perfectly clear. Your ruling, of course, is binding; but your ruling simply was that, under clauses 6 and 7 as they stood, the scope of discussion ought not to extend beyond a certain limit, as to whether this House can discuss it or not, whether it was relevant or not. I say if the hon. the Advocate-General is of that opinion he ought to have stood up and said, 'I would either resign my job or the Government should accept my advice.' Let the Government have the courage to say, 'we stand by our legal adviser.' Then I can respect the Local Government and their legal adviser. The hon. the Advocate-General, trying to obey you, advised the Local Government to send an amendment. Where is the dignity or self-respect of the Government? If I were the Advocate-General, I would say 'I am right and the President is wrong; let him rule out the discussion; I take this view; let it go to a Court of Law; this is not the first time; we can fight it out.' The Government ought to stand by their view, and not to be swayed by presidential rulings in matters of legislation. Your ruling, Sir, governs only this Council and how to conduct ourselves in the discussion.

12-30 p.m. "I can understand him (the Advocate-General) if he had not been converted by your ruling. Your ruling was that as clause 7 stood, the discussion on it could not go beyond a particular scope. Therefore, Sir, this is the time for the House to vote upon this question, namely, as to whether the House wants to completely abdicate all power of automatic review of the work of this Commission, or whether we shall continue to have such discussion as we have over the Public Accounts Committee's report repeated in this case also. I would therefore ask the Government, if they believe in their legal adviser, to withdraw this clause, and if they would not withdraw, I would ask the House to vote against this clause."

* Mr. J. A. SALDANHA :—" I have to oppose this clause, Sir, not only on the ground that it is redundant but also on the ground that it is derogatory to the dignity of this House in that expenditure running to several thousands and lakhs of rupees a year is to be shut out from any discussion in this Council. I do not want to repeat the arguments of my hon. Friend the Member for the University; at the same time I regret that he has had to put forward all his energies against this autocratic Bill at a time when he is indisposed. The fact that we are fighting against this Bill with such persistence must be a wonder both to the Members of this House and to outsiders, who have not entered into the merits of the Bill. But those of us who have gone deeply into the merits of the Bill know the inner meaning underlying it, and as Members of the Select Committee, several of my friends have raised a cry from the very beginning against this Bill. Our objections mainly centred round this last amendment which the Government have now brought forward. We therefore shall fight and fight to the finish, even if we have to sit beyond noon. We shall fight long and persistently, even if we have to sit till to-morrow. Our action will be justified because we do not want to place on the statute book an enactment which is a fraud on this House and which is nothing but a farce. There is a big motive behind this, Sir."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Is it a parliamentary expression, Sir : 'fraud on this House'?"

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Mr. J. A. SALDANHA :—" I persist in saying that it is a fraud."

* The hon. the PRESIDENT :—" The hon. Member does not accuse the House. He only accuses the Government which wants to commit a fraud on the House by this Bill."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" That is exactly what I object to. Is that parliamentary, Sir ? "

* The hon. the PRESIDENT :—" I do not think it is objectionable. That only means that the Government are not putting the Bill openly and that by indirect methods they are achieving something."

* Mr. J. A. SALDANHA :—" I have been wondering why the Government is persisting so much in getting this Bill passed, though it is based on a very slender authority. Yesterday the hon. the Revenue Member said that this slender authority was defective and he gave us the assurance that the Government would approach the Secretary of State to amend the rules. If the rules are to be amended, I do not see why the Government should not stop the Bill at this stage, wait for a couple of weeks or so, get the necessary rules amended and then have the Bill passed with the full acquiescence of this House. As a matter of principle, we have no objection to the Bill, but I say as it is, it cannot appeal to the majority of the elected body of this House. The Commission is to be appointed by the Local Government and is removable also by the same Government. How can such a body be independent ? It must be a body depending on the Government and the local Secretaries. I was surprised to hear the hon. the Revenue Member saying yesterday that he wanted to have an independent Commission. But what about its independence of the Government ? I am sure, Sir, the Government will appoint only such men as are chosen by the supporters of this Government and of the present Ministry. It was not a very good and edifying spectacle to see the hon. the Revenue Member—however much he tried to make the Bill acceptable to all of us—going three or four times from this side to the other side and consulting the hon. the Leader of the Justice Party . . ."

Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, is it open to the hon. Member to state that only supporters of Government would be appointed and then to impute something to an hon. Member of the Government ? "

* The hon. the PRESIDENT :—"Did the hon. Member impute anything to him ? "

* Mr. J. A. SALDANHA :—" I said he has been going to the Leader of the Justice Party for consultation in secret—in whispers."

* The hon. the PRESIDENT :—" The request of Mr. Muniswami Nayudu is that you may express this idea in more dignified terms."

* Mr. J. A. SALDANHA :—" It was not an edifying spectacle. That is what struck me. From what I have seen, I find there is a conspiracy between the Government and the Justice Party, and we can very well guess for what purpose. This unholy alliance between a few members down there belonging to the Justice Party and the Government has been formed with a view to carry this Bill through in spite of the opposition of all the nationlist members and in spite of some important objections raised even by some European. Members of the House in the face of the elected majority being

against several of its provisions. They have now brought forward this clause with the object of making this Commission quite independent of this House and this unholy alliance has been formed just before the elections take place . . ."

* The hon. the PRESIDENT :—"I am not able to follow the relevancy of the arguments advanced by the hon. Member to this motion. The only question that is implied in the motion is whether the expenditure shall be votable or non-votable. I request the hon. Member to confine his remarks to the provisions of this clause."

* Mr. J. A. SALDANHA :—"All I say, Sir, is that this clause is a great injustice to the House in that it does not make the expenditure votable."

* The hon. the PRESIDENT :—"Where is the question of elections, etc., there ?"

Mr. J. A. SALDANHA :—"I only want to show, Sir . . ."

* The hon. the PRESIDENT :—"I have tried my best to show to the hon. Member that his arguments are not relevant to the motion under discussion."

* Mr. J. A. SALDANHA :—"Then, I have done, Sir. I think this is a great injustice to the House. I only hope the hon. the Revenue Member will withdraw this clause, wait for some time, say for a fortnight or three weeks and then have the Bill passed in a form which will be acceptable to all sections of this House, and well worthy of the dignity of the House and worthy of this Government also, so that . . ."

* The hon. the PRESIDENT :—"I think the hon. Member is making the third reading stage speech."

* Mr. ALLADI KRISHNASWAMI AYYAR :—"Mr. President, Sir, my learned Friend the hon. Member for the University seems to revel in contradictions. In parts of the debate in the course of the discussion on this Bill, I have heard him making the statement at every stage that the Commission ought to be independent of the executive, that it is but right and proper that it should be clothed with full power, that it should not be in any way connected with party politics. Those were the arguments advanced by the Opposition. Possibly, I might sympathise with the Opposition in many of those points but for the restricted scope of the Delegation Rules. At the same time, when you want to put the Commission beyond party politics and to see that their salaries are rendered non-votable, my Friend the hon. Member for the University says that even for their very existence, they must depend on the Legislative Council to vote their salaries and the salaries of the establishment."

* Mr. S. SATYAMURTI :—"On a point of personal explanation, Sir, I only said, and I have always maintained that the salaries ought to be above the vote of the House. My point was, and is, that the expenditure which is provided for in clauses 6 and 7 of the Bill should come before the vote of the House just as the salaries of the establishment of the High Court, the Executive Council and the Governor come before the House."

* Mr. ALLADI KRISHNASWAMI AYYAR :—"Then, in further support of his opposition to the amendment, he invoked the principle that it is the duty of a lawyer to swear by his opinions. If, for example, there is the least doubt

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expressed from other quarters which you might respect, it is the elementary duty of any Legislature to see that it is put beyond doubt. I have never heard it said that a single lawyer, however eminent he may be, or a number of lawyers, however eminent they may be, ought to stake their opinions against possible doubts expressed in high quarters. On the other hand, it would be the very fundamental duty of any legislative assembly when there is any possible doubt in regard to the construction of any clause, to see that the matter is rendered clear beyond all doubt If, for example, the Government intends that a particular expenditure is to be met out of provincial funds, if there is room for doubt, the Government ought to bring forward a clause saying that that is the intention, and the very fact that the doubt is expressed in some quarters is a reason for the Government coming forward with an amendment of this description. Another thing, Sir, and it is not a personal thing at all. There is a higher duty to the House. When clauses 6 and 7 were discussed, the President ruled that it is not right on the part of Members of the Council to go into the question whether it is votable or non-votable, or whether it is right that these salaries should be payable from out of the provincial revenues. Any Member of the House who stands for its dignity, for the independence of its members and for their freedom, ought to say that it is not right or fair to debate on the question whether it is payable out of the provincial revenues, as a result of the ruling of the Chair. And it is not right that a lawyer should put his reputation, his prestige and his view of a particular thing above the dignity of the House and its freedom which must characterise the deliberations of any assembly. The debate has been confined to the narrowest limit when clause 7 was before the House. It may be I took one view, but when the hon. the President has given his ruling, we are bound to obey the ruling of the Chair. The net result of the ruling is that the Members had not an opportunity of discussing the question whether it is payable out of provincial revenues or not. To-morrow, supposing this Bill is passed into an Act without this amendment and it is sent to the Advocate-General for the time being, the Advocate-General says 'I do not care for the discussions of the Legislative Council; as I read the Act, the salary is payable out of the provincial revenues', will it be fair to the Assembly? Will it be consistent with democratic principles? Is it the right thing which any responsible Government or Swaraj Government would do under the circumstances? I do feel as strongly as anybody else for the freedom of this House. I do feel that, if you believe in Self-Government or in Swaraj and in the development of free institutions, the elementary duty of every member of this House is to see that there is a fair debate on a question. If, for example, there is a doubt as to whether there has not been a fair debate upon particular questions, it will not be fair for the Government to rely upon technicalities and to take the chance of the matter being fought in a court of law or to rely on the Governor's ruling under particular sections whether the expenditure is votable or non-votable. I believe as strongly as anybody else in securing the freedom of debate in this House. It is well-known that the discussions of the Legislative Assembly are not a proper guide in the construction of enactments. But, so far as any Government is concerned, when there has been no free debate on the question whether a particular item is payable from the provincial revenues or not and when there is an embargo upon that discussion as a result of the ruling of the Chair, I submit that no Government can stand aloof and say, we will not bring in a clause to that effect. That is the reason why I gave the advice and the Government accepted

12.-45 pm.

that advice. I do not fight shy of the responsibility of saying that in the circumstances, an amendment of this nature ought to be brought forward before the House and the vote of the House taken, so that the Government may know what exactly is the mind of the House upon that particular provision."

* The hon. the PRESIDENT :—Before the debate proceeds further, I want to make one point clear to the House. If the House remembers well, on the previous day the debate was going on on clause 7 on the basis that the expenditure was votable. When a doubt was entertained by me that there was no provision to make the expenditure a charge upon the provincial revenues, I wanted to clear a possible difficulty that might arise. The only ground that prompted me to interfere at that stage was whether Government would come forward with another amendment to make it a charge or not. I think every Member of the House will distinctly remember my ascertaining the wishes of the Mover of the Bill whether he wanted to content himself with the provisions as they were or whether he wanted to bring forward an amendment to make it a charge. Whether he took the advice of the Advocate-General or whether he himself stated it, it is not my concern, the Mover of the Bill did say to me that he wanted to bring in an amendment. Then, I foresaw the possibility of a question being raised by the Opposition as to the amendment offending the rule against repetition and then I stated in order to remove apprehensions that the House might discuss the provisions of clause 7 on the basis that the hon. the Revenue Member would bring forward a separate provision or amendment in regard to the expenditure of the commission being met from the provincial revenues."

* Rao Bahadur Sir A. P. PATRO :—" Sir, there seems to be a great deal of confusion with regard to the proper form of the amendment by which the financial provision has been introduced in this Bill. If the Government is advised, or if the Government is satisfied that there is sufficient provision either according to precedent or according to the provisions of the Government of India Act, there seems to be absolutely no reason why this new clause should be brought in. The hon. the President has rightly anticipated the difficulty that might arise later on, that if there is no specific provision for the sanction of payment to the Commission under this Bill, the question might arise in a court of law. It is in order to avoid this difficulty that the President has rightly pointed out that the question might be examined. But, your ruling, Mr. President, seems to me only to suggest this difficulty and you have not barred any discussion of the matter or the discretion vested in the Government whether they would proceed with the measure as it is or bring in amendments. Therefore, it is now for the Government to make up their mind once for all and to say whether they are prepared to stand by the provisions of the Bill as formulated and placed before this House or whether they would adhere to the amendment proposed, not because that the Chair has suggested or raised or anticipated any difficulty, but because the Government is convinced that there is difficulty. If this matter is made clear by Government, some of us here on this side will be in a better position to vote on the amendment. But, it is very difficult to say whether the motion as it stands is desirable or necessary at present because I think that such a provision does not exist in other Acts and that being so, this amendment seems to me to be unnecessary. But, I believe, if the Government is advised that it is necessary and desirable to clear any doubt that might arise later on, I am prepared to consider the

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matter, but as the Bill stands at present, it seems to me very doubtful that the amendment is necessary."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I only wanted to say this: that my hon. Friend the Leader of the Justice Party thinks that this amendment is really unnecessary, but the Government are advised by their highest legal adviser, who has also himself spoken on this, that this amendment is really necessary, so that we want this amendment to go forward."

* Mr. SAMI VENKATACHALAM CHETTI :—"Mr. President, Sir, I feel it is necessary to say that at least this portion of the House feels greatly indebted for the homily that has been so ably and effectively paid by the hon. the Advocate-General, but I may mention that the whole of his homily is based upon a confusion of ideas of which he is so characteristically full. In his homily he had certain pertinent remarks to make to the Swaraj Government. But, I may say, whatever the Swaraj Government may or may not do, it shall take care to see that its Advocate-General confines himself to the expression of his opinion upon legal matters and not proceed any further beyond that.

"My hon. Friend, the Member for the University, was charged by the hon. the Advocate-General being full of contradictions. But the contradiction seems to be more with the hon. the Advocate-General than with the hon. Member for the University, who has taken care to see that his objection was confined only so far as to make the establishment of the Public Services Commission non-votable. We have had no objection to make the salaries of the members of the Commission non-votable. As a matter of fact, it was our desire to see that these gentlemen are placed beyond the trammels of any political influence. But, it is only with regard to the staff and the office establishment of the Public Service Commission we are insisting that it ought to be a votable item. The Government themselves felt certain doubts when you suggested the difficulty with regard to either votability or non-votability of this expenditure. Sir, I agree with my hon. Friend, the Advocate-General, when he says that my Friend, Mr. Satyamurti, was wrong in expecting the lawyers to stick to their opinion on all occasions. I think it is a weakness of the lawyers that they change their opinions according to the wishes of the presiding Judge. It was exactly that that made the Advocate-General to yield when you pointed out the difficulty. Further, if the Advocate-General had adhered to the opinion which he had already formed in regard to this clause, the House would not have been deprived of its legitimate discussion so far as the clause was concerned and that clause would have been put to vote even the other day, and because Government itself was suffering from indefinite decision on this matter that they have got to . . ."

* The hon. the PRESIDENT :—"Let it not appear that I have deprived the House of its legitimate right of discussion. On the admission made by the hon. Mover of the Bill that he was going to bring forward an amendment to cover this ground, I said that the House need not proceed on that as far as clause 7 was concerned."

* Mr. SAMI VENKATACHALAM CHETTI :—"Sir, it was on the strength of that ruling that I charge Government for having deprived that right and now they are trying to charge my friend with contradiction and so on.

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I have no doubt, Sir, that the clause as it stands will be defeated, because, I see that support is coming from all directions. We consider that this amendment is wholly unnecessary and I therefore oppose this amendment."

*The hon. the PRESIDENT :—" I think that the House is ready for a vote.

" The question is that the following new clause be added after clause 18 :—

' *The salaries referred to in sections 5 and 6 and the expenditure incurred under section 7 shall be defrayed from the provincial revenues of the Local Government.'* "

The motion was put to the House and declared carried.

A poll was demanded and the House divided thus :—

Ayes.

1 p.m. 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. ,, Sir Thomas Moir.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. A. Y. G. Campbell.
5. ,, ,, M. R. Setruatnam Ayyar.
6. ,, ,, S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Mr. Alladi Krishnaswami Ayyar.
9. ,, Hilton Brown.
10. ,, H. A. Watson.
11. ,, A. G. Leach.
12. ,, J. Gray.
13. ,, S. V. Ramamurti.
14. ,, C. B. Cotterell.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, Syed Tajudin Sahib
18. ,, J. Bheemayya.
19. ,, R. Foulkes.
20. ,, P. J. Gnanavaram Pillai.
21. ,, Mahmud Schamnad Sahib.
22. ,, J. Kuppuswami.
23. Subdar-Major S. A. Nanjappah Bahadur.
24. Mr. N. Siva Raj.
25. ,, V. I. Muniswami Pillai.
26. Mr. W. P. A. Soundarapandian.
27. Rao Sahib R. Srinivasan.
28. Mr. C. E. Wood.
29. ,, A. J. Leech.
30. ,, F. E. James.
31. ,, R. J. C. Robertson.
32. ,, H. F. P. Hearson.
33. ,, S. N. Dorai Raja.
34. ,, S. Arpudaswami Udayar.
35. ,, G. Premayya.
36. Swami Sahajanandam.
37. Mr. V. Ramjee Rao.
38. ,, C. Gopala Menon.
39. ,, B. Ramachandra Reddi.
40. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
41. ,, Sir A. P. Patro.
42. Diwan Bahadur P. C. Ethirajulu Nayudu.
43. Mr. P. T. Rajan.
44. ,, T. K. Chidambaranatha Mudaliyar.
45. ,, Abdul Razack Sahib.
46. ,, Khadir Mohidin Sahib.
47. ,, T. M. Moidoo Sahib.
48. Rao Bahadur B. Muniswami Nayudu.
49. Mr. K. Sarabha Reddi.
50. ,, A. V. Bhanoji Rao.

Noes.

1. Mr. P. C. Venkatapathi Raju.
2. ,, Sami Venkatachalam Chetti.
3. ,, S. Satyamurti.
4. ,, C. V. Venkataramana Ayyangar.
5. ,, J. A. Saldanha.
6. ,, G. Harisarvottama Rao.
7. ,, C. S. Govindaraja Mudaliyar.
8. ,, L. K. Tulasiram.
9. ,, D. Narayana Raju.
10. Dr. B. S. Mallayya.
11. Mr. P. Anjaneyulu.
12. Mr. B. Obi Reddi.
13. ,, T. Adinarayana Chettiyar.
14. ,, A. Kaleswara Rao.
15. ,, C. N. Muthuranga Mudaliyar.
16. ,, K. Krishnaswami Nayakar.
17. ,, C. Venkatarangam Nayudu.
18. ,, A. Ranganatha Mudaliyar.
19. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
20. Mr. R. Nagan Gowda.

Ayes 50. *Noes* 20.

The amendment was carried.

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New clause after clause 19.

*The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, certain amendments have been brought forward to ensure that the report of the proceedings of the Commission should be placed annually before the Council so that the Council should have an opportunity of discussing them. In accordance with the suggestion made by my hon. Friend, the Finance Member, in the course of the discussion on the Bill, I beg to move—

' *That after the new clause which has just been inserted, the following clause be inserted :—*

Within six months of the end of each financial year, the Commission shall present to the Local Government a report on its proceedings during such financial year and the report shall be brought up by the Local Government for the consideration of the Legislative Council.'

and that the remaining clause be re-numbered."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it."

The amendment was put and carried.

* Mr. J. A. SALDANHA :—" Sir, I beg to move—

' *That the following be added as a new paragraph to the new clause* 19 :—

The staff and establishment appointed under sections 6 *and* 7 *shall be subject to rules and regulations as to appointment, leave, travelling allowance, pension and conduct binding on Government servants appointed by the Local Government.'*

" Sir, I have brought this clause merely as a matter of caution. As the Government have found it necessary to bring a superfluous clause to be added to the Bill, I feel also that there is some necessity to make it clear in the very language of the Act that the servants appointed under the sections mentioned in my amendment are not like those being appointed by the local bodies, the University and other bodies. When the appointments are so made by the Commission and they are questioned, the Commission may say that their choice is not restricted by any provisions in the Act in the matter of those appointments. It is to safeguard against such danger, to avoid any doubt arising on the point, that I wish this paragraph to be added to the clause. Unqualified persons may be appointed. Travelling allowances may be allowed higher or lower than the rate provided for by Government. The servants of the Commission may be deprived of their right for pension. The Accountant-General may raise the objection that the posts under the Commission are not pensionable in the absence of such a clear provision in the Bill. I also wish to prohibit the servants of the Commission from canvassing at election time and doing other public work which in the case of Government servants would be irregular. Therefore, Sir, it is in order to make the conditions of service under the Commission similar to those obtaining in Government service that I have thought it necessary to move my amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I second it."

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* The hon. Sir Thomas Moir :—" Mr. President, I think that we must oppose this amendment because our intention is to give the Commission as much power and responsibility in respect of its establishment as is possible. We have not considered the question of how the services and conditions of service of its subordinate servants should be regulated in detail. And it is quite possible that the Commission on various points might consider that the ordinary Government servants' rules will not entirely apply and if this clause is inserted in the Bill it will not be open to us to consider any representation on these points which the Commission may make to us. We are therefore unable to accept the amendment."

Mr. G. Harisarvottama Rao :—" Mr. President, the hon. the Finance Member's explanation is rather queer. He told us, Sir, that he wants to give this Public Services Commission responsibility for appointing its own men upon its own terms. This is grand responsibility indeed! Once in the course of the discussion on this Bill has the Treasury Bench conceded that the Commission should have some responsibility to discharge, and the responsibility that is conceded to this august body by the Treasury Bench is the responsiblity of appointing its own peons and clerks. The motion before the House, Sir, is nothing extraordinary. It does not say that the Public Services Commission should be debarred, if the Local Government should so desire, from advising the Local Government on matters of detail with regard to the pay, pensions, allowances and things of that kind that should apply to all Government servants. What the motion intends to do is this, that the establishment of the Commission shall have the same rules and the same regulations in regard to their conduct, their pay and allowances as every other Government servant has. Beyond that the motion before the House does not go. Why there should be a specific distinction I cannot understand. Moreover, Sir, I desire to point out that it would be a hardship really if the Public Service Commissioners are not as liberal as the Government itself. The establishment of the Commission is a special establishment and does require some protection. It should not be that the Commissioners because they are saddled with the responsibility of making a model for all public services are at liberty to cut down the emoluments that must necessarily go to every one employed under the Government. Therefore, to provide against the idiosyncrasies of these Commissioners in regard to their establishment it is essential that the Government which is taking care of all the establishments in all the departments of Government should also look upon them with the same paternal care. That care can be exercised only if the establishment of the Commission is employed subject to the same conditions and the same rules as other establishments in other services. I can understand a situation, Sir, where the Public Service Commissioners may deal with their subordinates in a very generous spirit. Even so, Sir, I do not believe that there should be a distinction between the establishments of the Commission and other establishments. There is already a great deal of trouble in this matter on account of the distinctions made with regard to the establishments in Government offices and in quasi-Government institutions like the local boards. Let us not commit the same mistake once again in regard to this matter. Let us be sure that there will be uniformity of conditions of service all over the country. To achieve that uniformity it is necessary that this motion should be accepted. It is a wonder, Sir, how the Government looks at these things. They have a queer notion that what all they say

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should go down the throats of this House. It appears to me, Sir, that they have made a mistake in this matter. They have committed themselves to a line of action which will not be beneficial either to the establishments or to the administration as a whole. It is essential that the Government should keep this Commission as a model for the public services and in order to do so, this establishment should dictate, I really agree, terms for other branches of service, but as long as this establishment is not brought under the control of the uniform rules, it is not likely that there would be a uniform improvement in the conditions of service with regard to other establishments.

"Therefore for a reciprocal advantage it appears to me necessary that this establishment should be on a par with other establishments in the country. And it would be an advantage to other establishments in this manner that if the Public Service Commissioners feel that their establishment deserves something better, they will also influence the Government to apply the same rules and conditions to those other services also. I do not want that a distinction should be made, and I therefore request the hon. Members of this House through you, Sir, to vote for this motion." 1-15 p.m.

The amendment was put and negatived.

Clause 19 (*clause 21 as re-numbered*).

* Mr. J. A. SALDANHA:—"Sir, I move—

'*that in lines 5 and 6 after the word 're-published" the following words be inserted*:—

"'*With such amendments as may be made by the Council on a motion of any member thereof with a previous notice of three days before a meeting of the Council and as may be approved by the Governor.*"'

"The existing sub-clause (3) provides that 'rules made under this section shall be published in the *Fort St. George Gazette* and laid in draft before the Madras Legislative Council for a period of three months while the Council is in session and shall on the expiry of such period be re-published and upon such re-publication take effect as if enacted in this Act.' Sir, it is not shown in this clause for what purpose these rules should be placed before the Legislative Council, and it is not clear what power the Council will have to make amendments to the rules. Simply laying the rules on the table of the House for three months will have little effect, and the law on the subject in this country is not very clear, whether the Legislative Council during these three months can take up these draft rules and propose amendments to them and pass them. That is why I want to make this clear by means of this amendment. I think the evident intention of laying these rules on the table of the House is that this House should have such power. This Council has also the desire to have the power of amending these rules. Therefore, I propose this amendment, and the clause, if the amendment is accepted, will read as follows:

'Rules made under this section shall be published in the *Fort St. George Gazettee* and laid in draft before the Madras Legislative Council for a period

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of three months while the Council is in session and shall on the expiry of such period be re-published with such amendments as may be made by the Council on a motion of any member thereof with a previous notice of three days before a meeting of the Council, and as may be approved by the Governor, and upon such re-publication take effect as if enacted in this Act.'

"Therefore, Sir, if we have got any sense of responsibility in this respect my amendment must be accepted ; if members of this House after seeing these rules find it necessary to make any amendments in the rules, they will be empowered under this amendment of mine to move for such amendments at a meeting of the Council, and if these amendments are passed by the Council and approved by the Governor they will be republished, and will then have the force of law. I have added a precaution that these rules should be approved by His Excellency the Governor. With this precaution I do not see any reason why we should restrict the power of the House after the rules are placed before the House. Why should we not give the Council the power to amend these rules subject to the approval of the Governor? I am sure this amendment, that is, the power proposed in it is very important, and the rules also may be such as to require amendments in this House."

Mr. A. Ranganatha Mudaliyar :—"I second it."

* The hon. Mr. A. Y. G. Campbell :—"Mr. President, Sir, I am afraid we cannot accept this amendment to this clause. The usual procedure is for the legislature to pass an Act, and in doing so it considers and discusses the more important provisions which the Council considers necessary, and the less important details are left to the Government so that they may put them forward in the form of rules. There is provision in this Bill that these rules should be placed before the Council, and that will give an opportunity to any Member of the Council to make representations to the Government if he wishes to do so. But if this amendment is carried, it will mean that the hon. Members of the Council can bring forward amendments to the rules, and they will have to follow the same procedure with respect to the draft rules as is now being followed with reference to Bills ; that is to say, there will be considerable discussion here again regarding the proposed amendments to the draft rules. Therefore, Sir, I must oppose this amendment to the Bill."

Mr. A. Kaleswara Rao :—"Sir, the Government is in the habit of inserting a very dangerous provision at the end of every Act, i.e., to reserve to themselves the power of making rules which will infringe the salutary provisions that are contained in the Act. That is the way in which the rules are framed, and though sometimes the Act and the provisions thereof are good and useful, in the name of the rules the Government exercises autocratic powers and will spoil all the utility of the sections. That is how the Government wants even in this case to have that absolute power of making rules without reference to this Act. What this amendment simply proposes is that these rules should come before the Council and that this Council should have the full opportunity of discussing the details of these rules and see whether they are consistent with the Act and whether they help the real intentions of the framers of the original Bill and the Legislative Council which passed the Bill into an Act; and we want that power to be reserved to the

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Council itself. It will be really a good thing if the Government is prepared to give up its autocracy. I therefore support the amendment moved by my hon. Friend Mr. Saldanha."

The amendment was then put and negatived.

Mr. G. Harisarvottama Rao :—" Mr. President, Sir, I hope and trust that you will be pleased to put this provision clause by clause; each sub-clause of clause 19 may be put separately. I refer to sub-clause (2) in particular and I want to oppose it. The Government has professed solicitude for the Public Services Commission, and sub-clause (2) contradicts their profession. It runs thus: 'In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules prescribing the procedure to be adopted by the Commission'. I really do not understand what this provision is intended to do. Is the Public Services Commission to be bound by the rules of the Government in conducting its proceedings? Has it not the liberty of a local board? Is it to be deprived of the power of making rules for the conduct of its own business? Is the Local Government going to impose upon the Public Services Commission rules in regard to what it shall do or what it shall not do when it sits as a body and conducts its business? I really fail to understand the mentality of a Government that introduces a provision of this nature making two responsible statements on the floor of this House. The one responsible statement is that they want this body to be an independent body, and the second responsible statement is that they want to concede to this body some responsibility in regard to its affairs. I find, Sir, that this clause is particularly obnoxious to those two attitudes. Of course, I shall stand corrected if the hon. the Revenue Member is prepared to argue that this refers to something special. There is nothing special so far as I can see. The language does not permit of anything special being understood from the context. The rules relate to the procedure of the Public Services Commission. If I have misunderstood it, I wish to correct myself. But I feel that there is nothing here which I can misunderstand. I feel that this provision binds down the Public Services Commission to a particular kind of procedure in its business, and if it applies to the conduct of business by the Public Services Commission, I think this is a clause which is very dangerous to the autonomy of that body. It is absolutely unworthy of a legislature to impose upon a body of respected advisers like the Public Services Commission any provision like this. I therefore feel that it would not be right for us to allow this clause to go in without a word of protest. I know the fortunes of my opposition. I am clear in my mind that this will be carried, but still I feel that I owe it to the body that we are creating, that I owe it to the principles that I hold should have been held sacred in regard to this matter, to the principle that this body should have been made completely independent of the Government. I feel, Sir, that I must enter a protest, and a strong protest at that, against this clause."

* The hon. the President :—" I am not able to accept the suggestion of the hon. Member to put this provision clause by clause. If really the intention of the hon. Member was to have sub-clause (2) omitted, he had the opportunity to do so and he has not availed himself of it by giving notice of any amendment to omit that sub-clause. And now to come forward and ask me to divide the whole clause into three sub-clauses is an unusual procedure."

The House then adjourned for lunch.

After Lunch (2-30 p.m.).

II

BUSINESS FOR THE NEXT MEETING OF THE COUNCIL—*cont.*

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"Mr. President, Sir, as far as I am able to anticipate and as far as I am able to get information from my hon. Colleagues, I find that Government business for the next meeting of the Council will consist of the following Bills, namely, the Bucket Shops Bill, the Civil Courts Act (Amendment) Bill, the Malabar Tenancy Bill, the Local Boards Act (Amendment) Bill and the District Municipalities Act (Amendment) Bill. There may be one or two other Bills, if they are ready by that time. It is not possible for the Government to say how many days we will have to sit at the next meeting; perhaps it will be a week or ten days."

* The hon. the PRESIDENT :—"I think not less than fifteen days will be required for all that business. That is my minimum estimation."

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"Everything depends upon the Bills being ready, Sir. We are not sure if the Malabar Tenancy Bill will be ready for the next meeting."

* The hon. the PRESIDENT :—"In my estimation, the Local Boards Act (Amendment) Bill will take up one day for introduction and the Malabar Tenancy Bill at least ten days for consideration."

III

THE MADRAS SERVICES COMMISSION BILL—*cont.*

Clause 19 (*re-numbered* 21)—cont.

* Mr. J. A. SALDANHA :—"Sir, I urge that this clause 19 should be altogether omitted—I mean that it should not be passed and made part of the Bill—and that for very good reasons. This rule-making power of Government is one which is now attracting considerable attention in England, and there is a strong movement in the Houses of Parliament and also among the English public against what is called delegated legislation. The Parliament, owing to its multifarious duties, has been for a long time giving unrestricted powers to the Government to make rules for which provision was made in the Acts themselves by way of schedules, as we have done in the case of schedules under the District Municipalities Act and the Local Boards Act here in this Presidency. We also know that this House has been passing Act after Act in which the Local Government has been given power to make rules without any restriction, which are never brought up before this House for discussion. In one or two Acts, which I do not recollect, they cleverly managed to get a clause like this passed. But in another Act that we passed—the Member in charge of the Bill was quite innocent and the Government at that time was very generous towards this Council—they consented without any suspicion to a provision that the rules should be subject to the approval of this House. But the Government of India at once took alarm, and they returned the whole thing for amendment that that provision should be omitted. We at that time strongly deprecated the high-handed action of the Government of India as affecting the liberty, the independence and the autonomy of this Council, and said that for the Government to accept that condition was really demeaning or derogatory to their conduct of efficient administration. It is only after

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the Government of India interfered in one Act—I do not remember the exact Act—that this Government has been coming forward to make rules without the sanction or consent of this House. I really wonder, Sir, why they should be reluctant to make draft rules and place them for the sanction of the Council. Is it because they have to undergo an elaborate course of a first reading, a second reading and a third reading and all the other circuitous or long complicated procedure? According to my amendment, the rules will be passed in one sitting after considering all the objections. I think, considering the great interest the public take in our legislation and in the rules that are to be made under Acts passed here, it is but fair that Government should take the public as well as the representatives of the public into their confidence. Therefore, it is quite desirable that every rule that is made, especially one of a far-reaching character or otherwise important, should be considered by this House. As I mentioned already, this unlimited power which the Government is given in the matter of making rules without consulting the Parliament is going to be subject at an early date to some restriction. Because the progressive party in the British Parliament feels that, in view of present-day democracy, Government should not be given unlimited powers to make rules as they like. I think, Sir, it is high time that this House should insist that it should be consulted when the Government have to make any rules. As pointed out by my hon. Friend who objected to sub-clause 2, it is very strange that the Local Government should have the power to make rules for the procedure of another body. This is the first time we hear of any such thing when rules of procedure are made by Government for what they call an independent body. Take, for instance, this Council. We have to make rules for the conduct of business and for procedure, as provided in the Government of India Act. What will you say if the rules of procedure for this Council—the Standing Orders—are to be made by the Government of India? What will you say if the rules of procedure for a municipality or a local board ought to be made by this House? Surely, Sir, I think it is most derogatory to the dignity of any body that another higher body should make the rules of procedure for the former. It is but reasonable that a Commission like this, which the Government say is an independent body, should make its own rules of procedure. Already almost every clause of this Bill is intended to restrict its powers, and ultimately it has to subordinate its actions to the whims of the Government, which wants to inflict upon it certain rules made by them even in the matter of procedure. I am at a loss to know whether any gentleman will consider at all dignified to accept posts on this Commission under such humiliating conditions and restrictions. Under clause 3, it is provided that the rules should be placed before the Council for three months. This question has been taken up very seriously in England and I am sure that Parliament will make a provision for restricting the powers of Government, and in future they will probably appoint special committees to go into this question of rules. I may mention that on the Continent itself, in Germany, this rule-making power is subjected to very narrow limits. The House is so constituted that rules or amendments to rules are taken up for consideration automatically by particular committees. Some such sort of procedure must be introduced in this House. This Government should agree to eliminate this clause altogether and they should take time to bring these rules in the form of schedules and allow the Commission to make rules as to procedure, etc., which is within their power. With these words, I oppose this clause."

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The hon. the PRESIDENT :—" The question is that clause 21 shall stand part of the Bill."

The motion was carried and clause 21 was added to the Bill.

The preamble was then put, passed and added to the Bill.

The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I now beg to move—

'*that the Bill be passed into law.*'

" Subject to the insertion of two clauses, the Bill has been passed as amended by the Select Committee, and I see no reason why it should not be passed into law, subject to your permission."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I second it."

Mr. P. C. VENKATAPATHI RAJU :—" Under Standing Order No. 49 (2), I object to the passing of the Bill at this sitting, and in so doing, I may be permitted to point out that there was a time when the Government did not think it urgent and intimated to you that the sitting might be closed without even taking it for consideration. Now, in the course of the consideration of this Bill two new clauses have been added and you, Mr. President, had to bring to our notice some desirable changes, and it was found that those changes have to be effected in order that the Bill might be in proper form. Since there is no urgency and since two new clauses have been added (not mere amendments), it is both fair to the House and to the Government to give time to consider the effect of these two new clauses and remove the defects in the drafting. The new clauses are a substantial change in the Bill, and I therefore request that you may not be pleased to suspend the Standing Order."

* The hon. the PRESIDENT :—" Here it is a case of using the discretion. The first point is whether the standing order is intended to operate to prevent hasty legislation or whether it is intended to prevent bad drafting. As the wording stands, what must be the intention of the Standing Order? (Mr. Sami Venkatachalam Chetti : Perhaps both.) If you can show from the wording that the intention is to prevent hasty legislation we have to examine it from one standpoint ; but if you think that the wording is to prevent bad drafting, we have to examine the question from a different standpoint. If you consider, as Mr. Sami Venkatachalam Chetti suggests it is intended to prevent both, we have to examine the question from a third standpoint. But you will have to convince me of that."

Mr. P. C. VENKATAPATHI RAJU :—" I submit that it is to prevent hasty legislation."

* The hon. the PRESIDENT :—" We can presume the intention to be to prevent hasty legislation if the wording was that the second reading shall not be taken up until the expiry of such and such time, and that if the President in his discretion allows it, it may be brought forward earlier. Standing Order No. 44 clearly lays down that a certain period shall expire, between certain stages of a Bill, and the intention of that Standing Order is to prevent hasty legislation. If you can show any such intention from the wording of Standing Order No. 49 (3) I shall be very glad."

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Mr. P. C. VENKATAPATHI RAJU :—" My submission is that it is to prevent hasty legislation, because, Mr. President, you might observe, with reference to taxation Bills it was stated that this clause shall not prevail even for giving us three days' time. If the objection shall prevail and if the Government say that is an urgent law they can bring it after three days. It clearly shows that after going through the second reading, some time must be given both to the Government and the Opposition to look into their bearings."

* The hon. the PRESIDENT :—" Can it not be construed by the very fact that only three days are given that it is more to rectify the defects in the language used than to prevent hasty legislation ? Obviously, three days' time is not sufficient to prevent hasty legislation."

Mr. P. C. VENKATAPATHI RAJU :—" Three days will give us time to study the whole Bill. Even a night may be sufficient."

Mr. A. KALESWARA RAO :—" I wish to submit that we lost the opportunity of making certain amendments on account of certain accidents that took place."

* Mr. F. E. JAMES :—" Mr. President, Sir, I should like to submit that the purpose of this Standing Order is not so much to deal with what may be called hasty legislation as to deal with those cases where a Bill is so altered in the course of the discussion as to require possible re-drafting in certain respects while retaining the essential principles. I should like to emphasize that. It is not a question of hasty legislation that is involved, nor is it a question of giving further time for reflection nor, is it to give further time so that additional amendments may be moved at the final stage. It is rather with the object of providing a short time which is necessary in case the Bill has received such substantial alterations in the course of the discussion as to require re-drafting. If that is the interpretation of the intention of the Standing Order, then there is no validity in the objection of my hon. Colleague, the Leader of the Opposition. This Bill has been very slightly amended during the past three days, and in my view it is not changed sufficiently to warrant a further delay of three days. What I suggest therefore is that the objection has no strength in it."

Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I concede that it is not very clear on the face of the Standing Order whether it is intended for the purpose of avoiding hasty legislation or for the purpose of drafting the Bill in a better manner after the amendments have been made. But one thing is clear and it is this, that the Standing Order allows some little time even if it be three days, for consideration of the Bill as a whole. Clause (3) of the Standing Order says: 'and may then be passed with or without further amendment.' Further amendments are not shut out, and it has been the practice of this House, I may be permitted to point out, to move very substantial amendments at the third reading stage. I am referring to the University Bills."

* The hon. the PRESIDENT :—" The point is not controverted."

Mr. G. HARISARVOTTAMA RAO :—" I am proceeding on that basis. Sir, 3 p.m.
it is the privilege of minority parties in this House to be protected in their right to move amendments and to be given sufficient opportunities. The Opposition in this House, Sir, has not much opportunity to affect legislation that is passed in the teeth of opposition. It may be that the Bill has been discussed sufficiently on the floor of this House, but it is a fact that the discussion went on in a spirit which betrayed that the opposition had been in the

brains of the treasury benches. Also, Sir, by an accident there has been some deprival of opportunity for the opposition. Under the circumstances, Sir, I beg of you as the custodian of the rights of the opposition minorities to follow the precedent that this House has established and not to overrule that precedent."

* The hon. the PRESIDENT :—" What is the precedent ? "

Mr. G. HARISARVOTTAMA RAO :—" The precedent of moving substantial amendments at the third reading."

* The hon. the PRESIDENT :—" That question does not arise now."

Mr. G. HARISARVOTTAMA RAO :—" Since that precedent remains, it means that this House has accepted this Standing Order as capable of being used for correcting hasty legislation. That is the implication of the precedent that has been established in this House. Therefore, Sir, I feel that the Chair would be perfectly right if it held that it shall not overrule the objection.

" Then Sir, it is stated in the Standing Orders that even if a single amendment be made it is allowable to the parties concerned to object. I request you to examine the implications of that particular provision ' even if a single amendment be made.' That is really intended to give the opposition parties in the minority an opportunity. I request you that that opportunity for further discussion might be allowed to the opposition."

* The hon. the PRESIDENT :—" Even granting that that is possible, what are the difficulties ? Is it a case of not discussing the Bill ? "

Mr. G. HARISARVOTTAMA RAO :—" We have discussed the Bill, I agree. But it has been already submitted to you that by an accident we missed certain portions of the Bill, I also have to point out to you that at every stage there was the difficulty of drafting."

* The hon. the PRESIDENT :—" Is the Chair intended to assist the minority when it fails to function properly ? "

Mr. G. HARISARVOTTAMA RAO :—" It is not a question of failing to function properly, Mr. President. It is a question of a few amendments being passed over before the arrival of the members. Whatever that may be, Mr. President, there is another point on which I am supported in my contention. The language of the Standing Order is clear. It says that this clause shall not apply to taxation Bills. Even where the opposition to a measure might be unreasonable, this Standing Order has made provision."

* The hon. the PRESIDENT :—" It only means that the discretion is taken away from the President."

Mr. G. HARISARVOTTAMA RAO :—" It is taken away. I merely want to point out what the Standing Order suggests about the legislation before the House. It feels bound to remove the discretion of the President in regard to taxation Bills, but does not feel that any other measure is so emergent as to compel the President to give the ruling on the side of passing it. Therefore, it is clear that the Chair has the privilege under ordinary circumstances, according to this Standing Order, of protecting the minorities and I appeal, Sir, to you to allow us to move that the third reading be not taken up."

* Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, I am not a lawyer and am therefore unable to interpret the Standing Order."

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* The hon. the PRESIDENT :—" Let the layman's light be thrown."

* Mr. SAMI VENKATACHALAM CHETTI :—" It is only in that light that I place my submission before you.

" It is evidently the intention of the framers of these instructions that the ordinary rule by majority ought not to prevail in this case ; otherwise such of those who are in charge of the Bill and such of those who are confident that by the majority they have they can out-vote any objection can easily be allowed to do so by vesting the discretion in the hands of the House. But the fact that the framers of this Standing Order have divested the majority of their natural right to out-vote the minority and placed the minority of even a single member in an advantageous position shows to me that they intended that the hon. the President must pay great regard to the objection that may be raised by the minority. The Standing Order even goes to the length of saying that even if a single member objects the President shall decide. Therefore, if more than a single member takes objection to the passing of the Bill in the same sitting the position is all the more important and the President, I am afraid, must take a very heavy responsibility if he ignores such objection."

* The hon. the PRESIDENT :—" He always does."

Mr. SAMI VENKATACHALAM CHETTI :—" I know he does."

* The hon. the PRESIDENT :—" At least it has to be presumed."

* Mr. SAMI VENKATACHALAM CHETTI :—" I only request that the President may pay particular attention to this aspect of the question. If it was the intention that the majority will might prevail on occasions of this kind also and the minority ought to be ignored . . ."

* The hon. the PRESIDENT :—" Section 44 (1) (i) lays down—

> ' *that the Bill as reported by the Select Committee, be taken into consideration, but any member may object to its being so taken into consideration if the copies mentioned in Standing Order No. 42 have not been available for the use of members for fifteen days or if three months have not elapsed from the date of the first publication of the Bill.*' "

Mr. SAMI VENKATACHALAM CHETTI :—" That is with regard to consideration."

* The hon. the PRESIDENT :—" That is the provision mainly intended to prevent hasty legislation."

* Mr. SAMI VENKATACHALAM CHETTI :—" Yes, so far as hasty legislation is concerned. I am not relying on that point."

* The hon. the PRESIDENT :—" The minimum period contemplated to make a Bill not be characterized as hasty legislation is three months."

* Mr. SAMI VENKATACHALAM CHETTI :—" I do not rely on that argument. I say that the legislation may be defective in wording and if so, by granting three days' time and the hon. the President allowing the objection to prevail he would be deserving the thanks of both the Opposition and of the Government."

Rao Bahadur Sir A. P. PATRO :—" Sir, after all, a layman's view is a layman's view. The hon. Member for the city of Madras stated that he is in the minority and therefore he should have the right to object and that the discretion of the President should be exercised in his favour. I am afraid that

what is a minority to-day may be a majority to-morrow. Minority is sufficiently protected by other rules. In connexion with a Bill therefore majorities and minorities cannot be taken note of in interpreting Standing Orders.

" The only objection raised by the Leader of the Opposition is that two new clauses are introduced, and that opportunity should be given for sending in amendments in respect of them. Sir, it has to be said to the credit of the House that the Bill has been discussed in every detail with interest and enthusiasm for six days, and every possible shade of opinion has been expressed in the matter. Therefore, there can be no reason for saying that proper objections have not been put forward on any amendment and considered. One of the two new clauses mentioned as an objection to the passing of the Bill now, relates to the question of funds and the other is practically adopted by the House without any discussion. Therefore, to say that they require further amendment or further consideration does not stand to reason at all. I think the Leader of the Opposition and every one concerned practically agreed to them, although it is true that in connexion with the financial clause there was a suggestion that the wording required modification.

" The other reason suggested by the Member representing the City was that he was in the minority and in order to give an opportunity to the minority the discretion of the President should not be exercised in favour of the majority. I submit, again, that the question of majority and minority is no consideration for the Chair. The Chair has to see whether there are sufficient grounds for exercising his discretion. For these reasons, I submit that there is absolutely no reason whatever to postpone consideration."

Mr. S. SATYAMURTI :—" The discretion of the Chair as per this Standing Order is unfettered so far as the express wording of the Standing Order goes. Our duty and our right is merely to raise the objection and whether you will be pleased to either suspend the Standing Order or not to suspend the Standing Order is entirely in your unfettered discretion.

" No doubt, Sir, you have been good enough to give an opportunity to some of us to state our reasons for the objection in order, I presume, to enable you to exercise the discretion in the best interests of the House. Now, Sir, while I quite see the point of seeing what is the intention behind the Standing Order, I respectfully suggest, Sir, that to seek to interpret the word of a statute or a statutory rule not according to the actual words to be found there, but according to the presumed intention of the authors thereof, is a somewhat difficult and dubious process as all lawyers know. What the intention of the framers of this Standing Order was, it is impossible for us to say except by reading the actual wording thereof. But the actual wording thereof does not say for what purpose it is intended whether to prevent hasty legislation or to improve drafting except this, viz., that if any amendment be made, that amendment presumably gives the right to any member of the Opposition to raise an objection and casts the duty upon the Chair of either suspending the Standing Order or not suspending the Standing Order. Therefore, Sir, I submit that so far as the wording of the Standing Order goes, the intention should be presumed to be that if an amendment is made the responsibility is that of the Chair to decide whether in view of that amendment this Standing Order should be suspended or not.

" Sir, as regards hasty legislation or redrafting, I submit that this Standing Order cannot prevent it at all. Because, Sir, even if you decide to-day not to suspend the Standing Order and the objection prevails, the Government can

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bring in a Bill three days later; and it does not follow that in those three days we are going to prevent either hasty legislation or improve the drafting. Even supposing that it is redrafted, it will have to go through every stage and if the words are changed, they will have to give notice of amendments, the amendments will have to be considered by the House and the House may even remit it back to a Select Committee. I do think, Sir, I may say, that I respectfully agree with you that the only provision with regard to hasty legislation in so far as you can read from the words of the Standing Orders themselves is the Standing Order with regard to the presentation of the Select Committee report where the House can object either on the ground of three months not having elapsed since the publication of the Bill or of 15 days not having elapsed after the publication of the report. As for drafting, it is not the concern of the Opposition or of the Chair. It is a concern of those who are in charge of the Bill. And if the . . ."

* The hon. the PRESIDENT:—"I differ from the hon. Member. I think the reputation of the chamber depends upon the drafting of the Bills passed by it and if every Bill is to be full of drafting mistakes, it is not the Mover that is responsible, it is the whole House."

* Mr. S. SATYAMURTI:—"Or the majority which will not accept drafting amendments even. (Laughter.)

"That apart, Sir, I join issue with my hon. Friend the Member representing the Planters' Constituency when he said that this Standing Order should be suspended because there have been only minor amendments made. The question of minor or major does not arise. I beg of you, in the interests of this House and in the interests of successive occupants of that high office which you occupy to-day, not to fetter your discretion. There may be dangerous Bills which may be passed in this Council in a hurry and I submit that in the interests of this House such legislations ought not to be allowed to be passed at the same stage. There should not be any hard and fast rule." 3-15 p.m.

The hon. the PRESIDENT:—"The Standing Order says that only three days' time should be allowed between the second reading and the third reading."

* Mr. S. SATYAMURTI:—"Three days is only the minimum. The hon. the Leader of the Justice party forgetting that he also stands in a minority, said in reply to the appeal of my hon. Friend the Member for the city of Madras that no question of minority or majority arose in a matter like this. I am not ashamed to admit that my party is a minority party on this matter. Sir, this Standing Order vests in you, as several other Standing Orders, the right to protect the interests of minority. If the Chair is not vested with such discretion, the hon. the Revenue Member can get up in his place and move the whole thing and somebody can second him and the whole thing can be finished in five minutes."

* The hon. the PRESIDENT:—"In this particular case what is the aspect which the minority want time to consider. I want to know the particular disadvantage in which the minority has been put to. You are only appealing to me to protect the interests of minority. You may draw my attention to any instances."

Mr. S. SATYAMURTI:—"I refer to the walk-out."

* The hon. the PRESIDENT:—"Besides that, is there any other point?"

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* Mr. S. SATYAMURTI :—"The other point is this: certain amendments have been thrown out at least by a narrow majority, I mean by three votes. We hope, that, if time is allowed, we can convince some of those who disagreed with us on those amendments and shall be able to get them passed again."

* The hon. the PRESIDENT :—"Your point seems to be this. This Standing Order is intended also to give power to the President as a revising authority. If I remember right in previous cases my predecessors did not allow the moving of amendments that had been thrown out at the second reading, at the time of the third reading."

* Mr. S. SATYAMURTI :—"I am aware of it. I know that you as Leader of the Opposition fought against it. However, I beg to submit that no ruling of your predecessors is binding upon you. Even your own ruling given on one occasion does not bind you on a subsequent occasion. Luckily you are not bound by precedents in these matters like High Court Judges. What I submit to you is that, as a considerable portion of this House wants to move amendments that have been rejected at the second reading at the time of the third reading, you should not suspend the Standing Order.

"My substantial point is that we want time."

* The hon. the PRESIDENT :—"What is the particular amendment which the hon. Members on that side want to move."

* Mr. S. SATYAMURTI :—"That amendment is with regard to the obligation on the part of the Government to consult the Commission. That was thrown out by 40 votes against 37. That is one of the amendments on which the Opposition had not the opportunity of reconsidering. Seeing that they could not come to an agreement with us, the hon. the Leader of the House informed you, I believe, last Friday or Saturday whether the Public Services Commission Bill was passed or not and whether the Public Services Commission was going to function or not, the House would rise on Saturday. That showed that Government was not in a hurry. There has been between Saturday and now very little time for them to review the whole position. I think there lies as much burden of proof on the other side, as it lies on our side, to show why you should suspend the Standing Order. I submit we have made out a case why you should not suspend the Standing Order."

* Mr. J. A. SALDANHA :—"I wish to refer to only one point. The hon. the Revenue Member said that a reference would be made to the Secretary of State for amending certain rules. I do not see any reason why we should not wait until we get a reply to that reference. In a fortnight's time we can easily get the reply from the Secretary of State in which case hon. the Revenue Member assured us in his reply that this legislation would be of a more comprehensive character and would be framed on a more vital basis. He said very clearly that a reference would be made to the Secretary of State and if we get an amendment of the rule all our objections to the Bill would be removed and we shall have a body of commissioners who will have vital powers.

"An important amendment on the motion of the hon. Revenue Member was passed, viz., that the expenditure should be borne out of the revenues of this Province The significance of that amendment is of a far-reaching character. Our knowledge of the finances of this Government are somewhat limited."

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* The hon. the PRESIDENT :—" We need not go into the merits of that now."

* Mr. J. A. SALDANHA :—" A number of amendments have been suggested to me at this stage " (Laughter.)

The hon. the PRESIDENT :—" Perhaps that is one of the main grounds on which the hon. Member asks me not to suspend the Standing Order and allow him time."

Mr. J. A. SALDANHA :—" Yes, Sir. I have got a definite amendment and I have not had time to draft it. If you will allow me two hours or three hours, I shall be able to give a definite shape to it."

* The hon. the PRESIDENT :—" Every amendment may be objected to by the Government because ten days' notice has not been given to them. Then too, perhaps you would want me to use my discretion."

* Mr. J. A. SALDANHA :—" Sir, we want time to move as many amendments as we want, no matter whether they are carried or not. We are sure our amendments will be defeated but that is another matter."

Mr. P. ANJANEYULU :—" I shall not repeat the arguments of my hon. Friend by reading that particular section over and again That rule says 'Even if one hon. Member should object to the passing of the Bill that objection shall prevail unless the President in the exercise of his discretion suspends the Standing Order and allows the Bill to be passed into law.' I take it that this particular section was introduced so that when we have not discussed the Bill in detail and when a number of amendments were sprung upon us without due notice, we might have time to consider them. Sir, the picture was not placed on the canvas as a whole. When the picture is placed on the canvas at the time of the third reading, some retouching may be required here and there, and some rigging has to be set right. It is to cull our thoughts in a synthetic form that we require time. My hon. Friend Mr. Patro was saying that my Friend Mr. Swami was a layman and I thought that he (Mr. Patro) who claimed to be an expert would tell us something new, but he proved much worse. Sir, I submit that you should not exercise your discretion against our wish."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" As a matter of fact whether this particular Standing Order is intended to prevent hasty legislation or to improve drafting after the Bill has been passed in the second reading—that question has been amply discussed. So far as the drafting is concerned, there is no need whatever to effect any change. As has been pointed out only two amendments by way of alteration have been made. One is with reference to the expenditure to be incurred out of the Provincial revenues and the other is with reference to the report of the Public Services Commission being placed before this Council within a period of six months after the end of the financial year. Is there anything wanting in the drafting ?

" Sir, much has been said about the protection of minorities. I yield to none regarding the necessity for protection of minorities, but as a matter of fact I ask how does the question of protection of minorities arise in this case. Even most of the Members on the other side did not say that ample opportunities had not been given to them for discussing their amendments. In fact during the last six months we have been considering this Bill. I submit no question of protection of minorities arises in this case.

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"My friends on the other side expressly said that the reason for which they wanted adjournment was to move amendments against the conclusions which have been arrived at by the majority. There seems to be some misapprehension somewhere. After giving opportunities to minorities—as they ought to have—the House by a majority have come to its own conclusions. It has been ruled already that no amendments can be moved hereafter against the conclusions that have already been reached. I submit that no valid reasons have been advanced at all by the other side why you should not be pleased to exercise the discretion vested in you in favour of my hon. Friend."

3-30 p.m.

* The hon. the PRESIDENT :—"It is highly desirable I agree that hasty legislation should be prevented. The President has to be given power to prevent hasty legislation by suitable Standing Orders. He will not be justified in importing his own personal views into matters in which he has to give a decision according to the wording of the Standing Orders. The only Standing Order that really contemplates to prevent hasty legislation is Standing Order 44. I am personally of opinion that the other Standing Orders are not intended to prevent hasty legislation. I have to use the discretion vested in me under Standing Order 49. I carefully examined the wording of the Standing Order and I am personally of opinion that this is not intended to prevent hasty legislation. My conclusion is that the main object of this Standing Order is to prevent drafting mistakes. When a large number of important amendments are carried, it may be necessary to coordinate the amendments carried and when the President has to exercise his discretion under Standing Order 49, he has to see whether the amendments that are carried are of such a nature as to require co-ordination and whether redrafting is necessary or not. The only amendments that have been carried with regard to this Bill are (1) a new clause regarding the expenditure to be met from the Provincial revenues and (2) another clause to give an opportunity to the House to examine the working of this Commission every year. These two clauses have really no bearing on the drafting of the other clauses in the Bill. I therefore do not consider that there is any necessity to examine the drafting of the Bill again. In these circumstances I do not think I will be justified in upholding the objection.

"The question is that the Bill be passed into law."

Mr. G. HARISARVOTTAMA RAO :—"Mr. President, Sir, I oppose the motion. The law that has been adumbrated and has to be passed on the floor of this House in this instance is to shape the Public Services Commission. The hon. the Revenue Member contemplated at every stage to create an independent body. We have gone through the clauses and they are before us. The highest function that is referred to in the Bill and that is given to this Commission is to advise on regulations. There is not the slightest power left in the hands of the Commission itself to make any rules in any respect. The regulation of public services falls under a number of heads. I refer to section 96-B (2) of the Government of India Act. The functions referred to there are classification of service, methods of recruitment, condition of service, pay and allowances, discipline and conduct. I grant, Sir, that, conditions being what they are, the Government was under a necessity to respect the rules made by the Secretary of State in Council and the local Government in respect of certain cases. The Secretary of State has made various rules in

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regard to all the heads and under the delegation rules the local Government have made rules regarding recruitment by competitive examination, by selection and by promotion. Evidently by inference the Government intend to make such rules where they have not hitherto made. It is implied in the legislation that has been undertaken now. They have not given the least power of making rules to this Public Services Commission. With regard to conditions of service, pay and allowances, the same state of affairs obtains; with regard to discipline and conduct the same state of affairs exist. Even under the handicaps under which the Government are working it was open to the Government to give the Commission the power of making rules in regard to some of these matters. For instance, in the classification of services, barring such rules as have been made and such subjects as have been dealt with, it was open to them to give powers to the Commission. There was sufficient room for the Local Government to give plenty of powers to the Public Services Commission. From the clauses that have been passed I find that the Commission have no other power in their hands except the following: they have power to advise in regard to regulations—regulations with regard to recruitment by competitive examination—the classification of candidates, admission to the examinations and the syllabus of the examinations. In a similar manner they have power to advise prescribing regulations for recruitment, selection, qualifications of candidates and the submission of the applications. They have power to advise with regard to regulations regarding confirmation and promotion, concerning conditions for admission for examinations, syllabus of the examination and the percentage of marks to be obtained for passing the examinations. It is not intended that they should make rules; it is intended that they should tender advice or that they should be consulted when regulations are made. Beyond that, the Commission has no power. What then is the power that is vouch safed to this Commission? The Commission will only be a dignified examining board. Their functions will be like those of the School Final Certificate Board or a Board set up to make recommendations to the Syndicate of a University for the Intermediate Examination; nothing more than that. Even in regard to these three powers that are supposed to be the highest powers conferred on the Commission, they have no more power than an ordinary recommending examination board set up by some university or other.

"What are the powers given to this Public Services Commission? Those powers are enunciated in clauses 13 and 15. There is a show of power left in the hands of the Public Services Commission. Clause 13 says that the powers of the Commission shall be to advise the local Government in regard to regulations prescribing the conditions of admission to the examination, the syllabus of the examination and the percentage of marks to be obtained for passing the examination, to make all arrangements for the actual conduct of the examination, to arrange the successful candidates in order of merit and to publish the results in the *Fort St. George Gazette*. Again under clause 15, the local Government have to consult the Commission before they pass any order on any appeal presented to them under the rules made by the Government of India Act. Some exceptions also are made. So, no substantial power is given to this Commission. I wonder why this Commission is established. I wonder why, for this purpose, the Commissioners should be paid Rs. 3,000 and Rs. 2,000 and the Secretary Rs. 1,500 and a sum of Rs. 100 for contingencies. If the hon. the Revenue Member had accepted the

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position that at least the Commission should have control over the administration of the executive in the manner suggested by our amendments, leaving aside those matters which are covered by rules already made either by the Secretary of State or under delegated powers given to the local Government, the Bill would have been an useful one. As it is, I find that the Commission has absolutely no important duty to perform. It is a glorified name for an ever subordinate limb of the Executive Government, an absolutely subordinate limb of the Executive Government and a dependent limb of the Executive Government. We have pointed out on the floor of the House how the local Government hang the policeman's baton over the Commissioners' heads and how the local Government desire to restrict the powers of the Commission with regard to the procedure that they should adopt in the conduct of business. The Commission are not as much independent as even the local boards; they are not as much independent as municipalities. They have not got the slightest independence; and yet the hon. the Revenue Member wants us to help him in passing this Bill. I feel there is no point in asking us to allow this Bill to be passed. We wanted to have an efficient Commission. We all wanted a Commission. There is no doubt about it; we have expressed this desire in so many words. We have attempted to the best of our ability to make this Bill as complete as possible. . . ."

Mr. T. Adinarayana Chettiyar :—"Sir, there is no quorum in the House."

(The bell was rung and after the quorum was formed discussion was continued.)

3-45 p.m. Mr. G. Harisarvottama Rao :—"I was saying, Sir, that we had done our best in a spirit of offering the best co-operation that we can, to the Government on a matter like this, on a matter with which we agree in essentials. We did our best, Sir, and we find that nothing has been done by the Members on the Government side to make this body of Commissioners either useful or effective. We are convinced that this particular Public Services Commission which will be established under the clauses that we have passed will be a mere ornament, a body for the exercise of the patronage now in the hands of the Executive Government, a body to endorse the decrees of the Executive Government, a body to permit the Executive Government to carry out in the name of an independent body what is in their own mind as bureaucratic administrators. I therefore feel it my duty to emphatically protest against the passage of this Bill. If we thought there was any use in passing this Bill, if we were convinced that there was a shred of utility in passing this Bill, we should not have objected. I for one personally am feeling that the Government have wasted so much of their energy and public money in bringing before us a Bill like this and in having stuck to their guns in not accepting even one or two amendments of an essential character. We have failed to impress on the Government that we have done our sincere best. I do not mind it; the Government cannot understand that we can be sincere. We have been the most sincere Opposition in this matter. We have tried step after step to convince the Government that they should include in the Act all that can be included without detriment to the operation of the rules that have already been made and the Government have refused at every stage to concede even the least independence to the body that they are going to set up. There is therefore no other course left to us, but to oppose the passage of this Bill at this stage."

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* The hon. the PRESIDENT :—" Mr. Satyamurti has given notice of moving an amendment. I wish to know how it is admissible in the third reading stage."

Mr. S. SATYAMURTI :—" At the third reading stage, amendments are permissible just as they are permissible in the second reading stage."

* The hon. the PRESIDENT :—" Under what Standing Order ? "

Mr. S. SATYAMURTI :—" Under Standing Order No. 49."

* The hon. the PRESIDENT :—" That Standing Order says :

' Where the objection prevails, the Bill shall not be brought forward earlier than three days from the day on which the consideration of the Bill was concluded in Council ; and may then be passed with or without further amendment.'

" Then and then only can the Bill be passed with amendments. Now, it is only the usual motion that is made. The only sub-order under which he can move amendments is sub-order (3) of Standing Order No. 49, in the third reading stage."

* Mr. S. SATYAMURTI :—" No, Sir. I submit that unless there is a necessary implication in sub-order (2) also that amendments shall not be moved, I submit I am entitled to move amendments at this stage also. You will notice, Sir, that so far as the House of Commons is concerned, there is a standing order governing amendments to be moved at the third reading stage."

* The hon. the PRESIDENT :—" The point is this. There is a standing order for amendments being moved in the second reading stage, and there is only a limited right for moving amendments in the third reading stage. When the Bill is postponed for more than three days, then only the Bill is to be passed with or without amendments. It only means that when once the Bill in the third reading stage is postponed for three days, then the right to move amendments arises. I believe that is the basis on which the Council proceeded all these nine years."

Mr. S. SATYAMURTI :—" As you please, Sir."

* The hon. the PRESIDENT :—" The hon. Member is not in order."

* Mr. S. SATYAMURTI :—" Sir, I am personally glad and I am considerably relieved that we have come to the end of our labours on this Bill. It has been a great strain on me. I should like to congratulate the hon. the Revenue Member on the tact with which he has piloted this Bill. Sir, tact has become a rare quality with the Treasury Bench nowadays, and I must express on my own behalf and on behalf of several hon. Members on this side of the House that he gave us a very courteous hearing and replied to our points with the seriousness which I trust will characterise the Members of the Treasury Bench at least hereafter. I am sure, Sir, that he will appreciate, as every other Member must appreciate, that in the desire to constitute a really independent Public Services Commission, we yield to none in the House, not even to the Members of the Treasury Bench. In fact, practically all the amendments that we had tabled were amendments intended to improve the scope and the status of the Commissioners. We wanted an independent Commission ; we wanted a Commission which will have ample powers ; we wanted a Commission whose word will carry considerable, if not, decisive influence and weight with the Government. We realise we have lost ; we take the loss like sportsmen. And although I should not speak about my

side, I think some sympathy will not be wanting to my side that in spite of continual defeats, not often unaccompanied by cynical laughter, we have been enabled by a high sense of duty to stick to our views and bring amendment after amendment in the hope that some amendment at least will be accepted by this House. We are not however disheartened; we have done our duty as Members of this House and certainly we have done our duty by the tax-payers of this province.

" Sir, I should also like to express to the European group our feeling that they have for the first time to my knowledge, in the history of this Council, shown that they are really an independent body. It augurs well for the future. I only wish that their courage had stuck to the end; but it is a small beginning they have made, and I think beginnings must be small. I look to the future; they have begun well and I trust they will persist in taking up that independent attitude, so that it may be easy for them and it may be easy for us to co-operate with each other in order that we may move on smoothly together on common issues, on which we agree. Sir, so far as the Government is concerned, I trust the hon. the Revenue Member will very soon fulfil his promise to us that he will address the Secretary of State and have the Devolution Rules amended so as to secure. . . ."

The hon. Mr. A. Y. G. CAMPBELL :—" The Classification Rules."

Mr. S. SATYAMURTI :—" I am sorry, Sir; I stand corrected—the Classification Rules amended, so as to secure for the Commission those powers which we wanted to secure for them by means of amendments. Though we did not gain, we have stood by our consistent attitude to add to the truncated powers of the Commission as they appear in the Bill. We are also glad, Sir, that we have got this new clause put in enabling this House to review the work of this Commission year after year on the presentation of its annual reports. Those are the two things which I hope will make the Commission something like the one we should like it to be. My hon. Friend the Member from Chittoor was waxing eloquent over my plea for communal justice, and he indulged in some cheap sneers against me. I can quite understand it; his ideas and my ideas of communal justice do differ. My idea of communal justice is not injustice to one community and that to the point of destroying it. It is not justice only to those communities which happen to be represented on the Treasury Bench or which happen to command great influence. My idea of communal justice, Mr. President, is that no single community shall be allowed to preponderate in the service of the province, subject always to minimum standards of efficiency. My idea of communal justice also is this: that when once a man becomes a servant of the Government, his future must depend upon his character, his ability, his integrity and not upon the ante-natal accident of his caste or religion. I am sure the hon. the Revenue Member agrees with me that that is the right kind of communal justice. If he does not, I should like to know how his Government is going to command that loyal service from its servants which any Government must command for its carrying on with efficiency.

" Then, Sir, so far as the working of the Commission is concerned, it depends to a very large extent upon the personnel of the Commission. Sir, it is not for us to give any advice to the Government. They are the authority to appoint this Commission; but whether this Commission will bring in the millennium

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which we all desire or whether it will merely be an appendage to the Executive Government, every Member of the House will, I am sure, agree with me when I say that that depends to a large extent upon the persons who are going to be appointed to these high offices. If they are independent men, if they are honest men, if they are efficient men, free from prejudice, not liable to influence of any kind, and if they can bring to the discharge of their duties all these high qualities, I have still hopes that in spite of their very small powers, they may be able to establish conventions under which they may achieve the powers which, for example, the Civil Services Commissioners in Great Britain to-day have. Sir, even when a man is to be recruited to the I.C.S., the Civil Service Commissioners simply certify that so and so is qualified for the Civil Service. It is the Secretary of State alone that appoints; but I do not think, Sir, any Secretary of State has ever dreamt or will ever dream of recruiting anybody who has not been so certified by the Civil Service Commissioners. The Government have got such a right under this Bill, but I trust they will never exercise it. Whether they will or they will not will depend to a large extent, as I said, upon the personnel, upon the character and the independence of the Commissioners. I do sincerely trust that the Government will be very very careful in seeing that this Commission is filled in its first personnel with the best men they can get.

"Sir, we have opposed many clauses of the Bill and we have been defeated. We are not sorry that this Commission is going to be appointed. We shall wait and watch its work. Our fears are that, truncated as its powers are, it may not achieve the purpose we want it to achieve; but if in spite of its restricted powers the Commission itself tries to gain its object in freeing the Executive Government from the embarrassing position of distributing patronage and as the late Raja Sahib of Panagal once wittily remarked from that Treasury Bench that 'for every appointment we make, we make one good friend and twelve certain enemies', if the Government is relieved of that trouble, and if the Commission is to be free from party allegiance based upon discriminating distribution of patronage both in permanent services and in other services, then I think, Sir, a great deal will have been achieved by the Commission. Whether it achieves it or not, time alone can show. Our fears are that it may not achieve; our wishes are that it should achieve."

Mr. T. Adinarayana Chettiyar:—"Mr. President, Sir, now that in spite of the fire of criticism that has been levelled from this side during the last four or five days, the measure is going to become a statute, I wish to take this opportunity of offering a few remarks. Sir, the establishment of the Public Services Commission is an event of the first magnitude. If the personnel is rightly selected, it will usher in a millennium to the people who form the employees of this Provincial Government. In fact, their very appointment, their careers, their destinies and even their punishments and dismissals will be entrusted solely to the hands of the Commission. Sir, from the analogy of Public Services Commissions in other, perhaps more civilized, parts of the world, we in this House expect that the Commission to be established will not be far short of our high expectations. Sir, the functions of the Commissioner are of a very responsible and of a very high order. They are not less important than those of Judges; in fact, in more than one respect their functions approximate to those of the Judges. Judges in England, cannot be removed except by a vote of both Houses of Parliament, and we expected that the appointment of the Commissioners and their dismissal would be entrusted

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to a higher authority than the Local Government, so that that would be a guarantee they will be honest and be above all suspicion and thus convince the world that they are above suspicion.

4 p.m. "Sir, the Bill as passed in this House is a most unsatisfactory one as it confers no powers on the body to be set up by the Executive Government. Therefore, at this stage it is left to us only to make an appeal to the Executive Government to see now that they have got the giant's power they would not use it like a giant, that they will use it in the best interests of the thousands of employees whose fate will hang in their hands. As regards the personnel, there are already rumours as to their names mentioned in the press and elsewhere. I hope, Sir, that in the selection of the first personnel, especially, the action of the executive Government will be such as to destroy all these bad impressions that have been unfortunately created. Sir, although the Bill as enacted, gives ample powers for the Executive Government to appoint even outside the list recommended by the Services Commission, I hope they will treat the Commission with the respect which it deserves and which it enjoys in other parts of the world and not treat it as a subordinate appanage of the Government and I hope that although the Commission is its own creature, it will be treated as an institution independent of the local Government. With these words and with this appeal, I bring my remarks to a close."

Mr. S. Arpudaswami Udayar :—"Mr. President, Sir, I congratulate the hon. the Revenue Member on the ability and the tact he has shown in his successfully piloting this Bill through this House during the last five or six days' strenuous work. I also congratulate my hon. Friends in the Opposition on their sincerity of purpose displayed in moving amendments after amendments with the sincere object of trying to make this Commission a really independent body able to do justice, in the sense as my hon. Friend, Mr. Satyamurti, put it that no community, especially the minority communities, would have any cause to complain. I especially congratulate my hon. Friend the Member for the University on his sense of duty in coming to this House even in spite of his illness and trying his level best to see that he was able to give expression to his political convictions and contribute his mite towards the improvement of this Bill. Sir, I for one have nothing but the admiration of a sportsman for the hon. Members in the Opposition who for certain reasons, which are evidently according to them very strong and sincere, tried to make this measure as perfect as it might be made. Therefore, I think it but fair and proper that while I congratulate the Government on the way they have carried this measure through this House, I should also congratulate my friends in the Opposition and especially the Member for the University who, in spite of his illness, has attended the council to the end on the excellent fight they have shown in order to make this Bill perfect, to make the Commission an instrument or measure that justice may be done to all communities, especially the minority communities. Sir, I think that the time bestowed on the careful consideration of this Bill all these days clause after clause is time not wasted. I believe that with a strong Opposition, it will be possible for this House to see that other Bills which may come up before the House will also be carefully studied and that amendments will be moved and that every attempt will be made to see that the legislation which emerges after all these deliberations and discussions is perfect and satisfactory. In that spirit, I once again congratulate the hon. the Revenue Member on the success he has attained by the passage of this Bill into law."

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Mr. A. Kaleswara Rao :—" Mr. President, Sir, I congratulate the Government for having rushed through this Bill in such a short time in spite of our persistent opposition . . ."

* The hon. the President :—" The Council spent seven days over 19 sections."

Mr. A. Kaleswara Rao :—" The Bill has not been conceived in a liberal spirit. I must submit, with due respect to the hon. the Revenue Member, that they have gone on in the usual official way. They have not been able to see their way in accepting our amendments which we have moved only in one spirit, namely, to make the Commission a really independent and first-class one. We wanted that in the appointment and in the continuance and in the obligations of the Government, they should consult the Commission on all important occasions and that the Commission should have independence. They should not be treated as a mere appendage of the local Government and no prejudices should prevail in the Cabinet or in the Council of His Excellency the Governor and that they should not mar the independence of the Commission. All our opposition can be appreciated because we have been actuated only by one motive and that is that the Government should consult the Commission, though that Commission may be appointed by the Government for a fixed period or removed at the sweet will and pleasure of the local Government. Anyhow, the Bill has now become a law and at this stage I do not want to say that we should reject the Bill. I accept the Bill for the time being and I hope we shall have opportunities very soon to propose suitable amendments to make the Bill a really useful and a first-class one."

Mr. C. E. Wood :—" Mr. President, Sir, we are very pleased to see that this legislation has gone through its course in this House and we congratulate the hon. the Revenue Member very sincerely, for he stuck to his guns in spite of our opposition in some respects. We have pressed that it should be incumbent on the Government to consult the Commission, but we were defeated in that attempt. Yet, we do not think that we were defeated, as we know that he has accepted that in principle. On the other hand, we have been assured that this House will have opportunities of discussing the work of the Commission when that has been constituted in a full manner. There remains now to see the working of the Bill and we hope that in due course every section of the House will feel satisfied on this piece of legislation."

Mr. A. Ranganatha Mudaliyar :—" Mr. President, Sir, I beg to associate myself with what my hon. Friend Mr. Satyamurti has said in congratulating the hon. the Revenue Member on the successful way in which he has piloted this Bill through the House and, if I may, I wish also to congratulate the hon. and learned Member for the University on the unobjectionable sentiments conveyed in his last speech on the third reading of this Bill. Now, Sir, this Bill has become law and I think a very great responsibility rests on the Government as to how they are going to make this Bill an entirely workable one and work it to the entire satisfaction of the people of this Presidency. Much depends on the choice of the first occupants of the office. I venture to express the hope that the appointment will be such as will not affect the independence of the members of the Commission in one way or another or to create distrust in the minds of the public and they will appoint only such people who are not pronounced to possess partisan spirit or prejudice in one way or another. I therefore think that much will depend on the personnel of the first Commission and very much also will

depend on the Commission itself as to how they are going to conduct themselves in the discharge of their duties. I also know that much will depend on the people who are going to administer the provisions of the Bill. I hope that the Commission will do its work conscientiously and in such a manner as to command the confidence of the public. With these expressions I associate myself with what has been said by my previous speakers."

* Rao Bahadur Sir A. P. PATRO :—" Sir, we on this side, are not behind any other section of this House in appreciating the manner in which this Bill has been piloted through this House. The House should now feel gratified that after a labour of seven days of incessent working in every detail, it has been able to place on the Statute book a very useful piece of legislation. It is hoped that the passing of this Bill in this province would place all communal questions beyond all dispute. I hope that the rules to be framed by the Government will be such—as has been now followed by the Staff Selection Board which has been working for some time past—that communal justice will be done and that monopoly will be demolished. When the rules are successfully worked I am sure the Commission will have won the gratitude of the public of this province. It is not merely by passing a legislation of this kind that we can achieve the results aimed at by all people and by every section of the public at large and of this House, but it depends on the spirit in which the Commission will work the provisions contained in this Bill and the rules framed by the Government. I know and I realize that there are defects in the Bill. Therefore I stated in the beginning that after working for some time we could realize the defects and the difficulties in the Bill and with the experience and knowledge gained we might probably be in a better position to improve its provisions. The House will have to congratulate itself on having been able to pass one clause which has been accepted by the Government, namely that the annual report of the Commission will be placed before the House for the purpose of discussion, when this House will have every opportunity of reviewing the work of the Commission and analysing its proceedings to see whether it has conformed to the rules framed by the Government or it is after all another Staff Selection Board.
4-15 pm, It is on the results of the working of the Commission that we will have to express our opinion later on. But for the present, Sir, I join every Member of the House in appreciating the manner in which the Bill was piloted through by the hon. the Revenue Member. He will have very hard work before him in the next session of the Council as well with the Malabar Tenancy Bill and other measures of importance.

" In respect of the power of the House to discuss the annual report of this Commission, practically all sections of the House were brought round to agree with him and that is an illustration of the way in which such work should be done, not so much by arguing and as much by talking to the various parties in the House and convincing them or being convinced. It is that spirit of give and take that is necessary for smooth and successful working as it has been shown on the present occasion."

* Mr. N. SIVA RAJ :—" Mr. President, I wish to associate myself with the sentiments expressed by the various speakers, particularly those expressed by my hon. Friend Mr. Arpudaswami Udayar. I congratulate both the hon. the Revenue Member and the Members of the Opposition for the way in which they have been able to carry the Bill through the House. I only wish to add by way of request that the Government will take care to see that such communities as the one to which I belong should not on any account fear the

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existence of this Commission. We have no doubt, Sir, that at the present moment we are not in a position to compete on equal terms with certain other communities who had had the advantages, particularly material advantages, which go a great way towards helping the education of their youths. All our disadvantages notwithstanding, we are not afraid of any competitive examination or any test provided we are given equal opportunities for making ourselves fit to compete. What we have been complaining all along is that we have not been given those opportunities and that it is through the fault of the Government that we did not have them all this time. I hope, Sir, that the Government will remedy that defect and see that the Commission is so instructed that our community gets its natural representation in the services."

Mr. P. C. Venkatapathi Raju :—" Mr. President, Sir, even though the Presidency was looking forward for a long time to the establishment of a Public Services Commission I am sorry that when it has actually come to be established there is little reason for the Presidency to be satisfied with it. For, the Commission which was wanted by the public was one that would be quite independent of party politics and of the Government, but the one that is going to be established under this Bill is one which will give satisfaction neither to the members constituting the Commission, nor to the services, nor even to the persons who stand to be affected by the establishment of this Commission. The Commission itself is going to be constituted by the Governor in Council and the apprehension of the public that being locally connected the Governor in Council will not have that detached view of things so necessary for the purpose is well founded. And the Commission so appointed will continue for an unlimited period as the Bill now stands, except for the one provision in it that the life of the Commission can be terminated at any time. What again, are the functions allotted to the Commission ? They are purely advisory and I am surprised that my hon. Friend Mr. Wood is satisfied with the provision that the Commission shall advise the local Government when they are asked by the Government to advise them. I fail to understand how this is a right conferred on the Commission for it is but a duty cast upon them that they must advise when called on by the local Government. If all the functions assigned to them are advisory in character, there is no obligation put upon the Government to be guided by that advice. Not satisfied with that, the Bill in clause 17 lays down that even in the exercise of these limited advisory functions, the Commission shall observe the rules, if any, made by the local Government regarding the constitution of, or recruitment to, any provincial or subordinate services. And so, from its inception to its fulfilment I am sorry that this Commission has somehow or other been viewed with suspicion by the Government. And as a result of this Bill, a body which is created in suspicion, a body which has purely advisory functions, a body which though called upon to advise on occasions, has not even the right to insist upon the Government recording their reasons when they happen to differ from the Commission, such a body is established as the Public Services Commission in this Presidency. Now, the recruitment to the services is done by the Staff Selection Board. I fail to observe what further remedy has been provided by this Commission against some of the possible idiosyncrasies that will influence the selection of candidates. On the contrary the only difference that I observe between this Commission and the Staff Selection Board is this, that the Board is an honorary body whereas this Commission is a paid body costing more than a lakh of rupees. I fail to realize whether there is even a single advantage gained by incurring this huge expenditure in the place of the far less

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costly machinery of the present Staff Selection Board. As was observed by some of the speakers, the Government in the choice of the Commissioners have to exercise their best discretion. Even if the best men were chosen, in spite of the provision in the Bill that they should not aspire to positions under Government, there is the exception made that a Commissioner may aspire for chairmanship of the Commission or that the chairman may aspire for a similar place on the All-India Services Commission. Even if the best persons are selected, in the face of this exemption made in the Bill, it is but natural that they should aspire for these higher places and their independence could no longer be maintained.

"Sir, before I close I should be failing in my duty if I do not express my appreciation at the way in which the hon. the Revenue Member has been able to pilot the Bill through. Though the Bill is unsatisfactory from the beginning to the end and seeks to create a body which will not meet the end in view, it was a pleasure to me and to members of my party to receive that uniform courtesy which the hon. Member has shown to us on all occasions and, though I very much wish that I could congratulate the hon. Member on the production of his efforts, I will be failing in my duty if I refrain from expressing my sense of satisfaction at the way in which he has carried the Bill through the House."

* The hon. Mr. A. Y. G. CAMPBELL :—"I desire, Sir, in the first place to express my gratitude for the very kindly terms in which hon. Members in various parts of the House have been good enough to refer to the manner in which I have dealt with this Bill in its final stages. I must admit, Sir, my inexperience in the art of piloting Bills in this House and I suffer under the disadvantages that I was not a Member of this House when the Bill was introduced and passed through the earlier stages, and that I was not a Member of the Select Committee. But, Sir, if I have been able to pilot this Bill successfully through the last stage, it is due to the assistance which I have received from all parts of the House. I believe that we all had the same objects fundamentally at heart, although we might differ as to the methods by which we hope to attain those objects. My task has been rendered the easier by that fact. I particularly appreciate the devotion to duty of the hon. Member for the University in coming down to assist us in spite of the indisposition from which he has unfortunately been suffering for the last two days. I hope, Sir, that this Bill will indeed be effective in putting beyond the range of politics the patronage which rests in the hands of Government and its officers, and that further it will serve to protect its officers after they have joined our service from the fear of being submitted to any political pressure in any respect. This Bill provides part of the machinery to attain the end which we have in view. This deals with the constitution of a Commission and the functions of the Commission. It remains to define the connexion between the Commission and the local Government—the relations between the one and the other. Those relations may be determined by rule or by convention or by tradition. I agree, Sir, with those hon. Members who have referred to the great importance of seeing that the first members of this Commission should be gentlemen who will have the confidence not only of all parts of this House but of all communities and creeds and all sections of the public throughout this Presidency. On them will depend to a very great extent the conventions and the traditions which will spring up in connexion with this Commission. I hope and believe, Sir, that we shall be able to find

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three gentlemen who will satisfy these conditions and be able to effect the objects we have in view. I close, Sir, by once more expressing my gratitude to hon. Members in all parts of the House for the assistance which they have given us in passing this Bill into law."

* The hon. the PRESIDENT :—" The question is that the Bill be passed into law."

The motion was put and carried, and the Bill was passed into law.

The House then adjourned to meet again on Tuesday, the 24th September 1929, at 11 a.m.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.